

CRM-M-30337-2023

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30337-2023
Date of Decision: 04.08.2023

Sarfuddin and others Petitioners

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Johan Kumar, Advocate,
for the petitioners.

Mr. Karan Sharma, DAG, Haryana,
for the respondent-State.

Mr. Manoj Kaushik, Advocate,
for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.242 dated 20.11.2022 registered under Sections 148, 149, 323 324, 452 and 506 of the Indian Penal Code, 1860, (Section 326 IPC was added later on) at Police Station Utawar, District Palwal.

2. It is submitted by the learned counsel for the petitioners that the case against the petitioners is totally concocted. The present case itself has been got registered by the complainant as a counter blast to the FIR No.240 (Annexure P-2) dated 19.11.2022 registered at Police Station Utawar, District Palwal, which has been got registered by the petitioners against the complainant. But even in the FIR lodged by the complainant, there is no specific injury pointed out and attributed to anybody. Therefore, the petitioners

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deserve to be protected against their arrest.

On the other hand, learned counsel for the State, being assisted by Mr. Manoj Kaushik, counsel for the complainant, and on instructions from HC Azeem, has submitted that there are direct allegations against the petitioners. It is further submitted that the case involves Section 326 IPC as well; and the injury declared to be grievous is attributable to petitioner No.1. Hence, the petitioners do not deserve concession of anticipatory bail. However, it is not disputed that except the injury attributable to petitioner No.1, there is no other injury declared to be grievous by medical opinion.

As response to this, learned counsel for the petitioners submits that he does not press the present petition qua petitioner No.1; and prays that the case of the other petitioners be considered for anticipatory bail.

In view of the above, but without commenting upon merits of the case, the present petition is dismissed qua petitioner No.1 and the petition is disposed of qua petitioners No.2 and 3 by granting them concession of anticipatory bail. Therefore, it is directed that in case of their arrest, petitioners No.2 and 3 shall be released on bail, subject to their furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that petitioners No.2 and 3 shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

04.08.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No