

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S-1737-2023 (O&M)
Date of decision : 20.07.2023**

Akshay and others

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Paramjeet Phor, Advocate for the petitioners.

Mr. Saurabh Girdhar, AAG, Haryana for respondent No.1.

Mr. Vikas Gulia, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed against the impugned order dated 08.06.2023, passed by learned Sessions Judge, Karnal, rejecting dismissing pre-arrest bail to the petitioners in FIR No.155 dated 19.04.2022, under Sections 148, 149, 323, 506 of the Indian Penal Code, 1860 (Section 325, IPC and Sections 3(1)(S) & 3(2) (VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on), registered at Police Station Nissing, District Karnal.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Sahil to the effect that on 17.04.2022, petitioners along with other co-accused intercepted the complainant in the fields and assaulted him with *Gandasis & Rods*, thereby caused injuries on his head, back, stomach, left leg and arms. They also threatened the complainant to kill him and also hurled caste related abuses. When uncle of the complainant, namely, Moti Lal intervened, he was also assaulted with *Gandasi*. The occurrence took place on account of non-payment of Rs.1100/- to the accused for Cycle-Circus in the Village.

(3) This Court, vide order dated 15.06.2023, granted interim bail to petitioners and the same reads as under:-

“Contends on instructions that matter has been amicably settled between the parties.

Notice of motion.

On asking of the Court, Mr. Kiran Pal Singh, Assistant Advocate General, Haryana, accepts notice on behalf of respondent No. 1 and seeks time to have instructions in the matter.

Mr. Vikas Gulia, Advocate, appears and has filed vakalatnama on behalf of the complainant-respondent No. 2, which is taken on record. He has also apprised the Court that matter has been amicably settled.

Requisite copies of paper-book be supplied to the counsel(s) opposite during the course of day.

Posted on 20.07.2023 for further consideration.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioners shall also abide by all the conditions

as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(4) Learned counsel submits that in pursuance of the aforesaid order, petitioners have already joined the investigation and their custodial interrogation is not required.

(5) The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Jagdish Kumar and further stated that custodial interrogation of the petitioners is not required at this stage.

(6) Learned Counsel for respondent No.2/complainant also, upon instructions, did not raise any objection in case the interim order is made absolute.

(7) In view of above, interim order dated 15.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

(9) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present matter.

(10) Disposed off accordingly.

July 20th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>