

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

216

CRM-M-34449-2023

Date of decision: 14.09.2023

Satish and others

..Petitioners

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rahul Jaswal, Advocate for the petitioners.

Mr. Ravish Kaushik, Addl. AG, Haryana.

AMAN CHAUDHARY, J.

1. On 19.07.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners in case FIR No.105 dated 29.05.2020, registered under Sections 307, 323, 148, 149 IPC (Sections 325, 201 IPC added later on) and Sections 25/54/59 of the Arms Act, at Police Station Sanoli, District Panipat.

Learned counsel contends that there was a fight that took place between two groups wherein both the parties have received injuries, however, no cross DDR has been registered. As per the allegations in the FIR, all the accused, including the petitioners, were alleged to have caused injuries to Shiv Charan and Mahipal. The co-accused who were ascribed a similar role as that to the petitioner have already been granted interim bail by this Court, Annexures P4 to P7. Quashing petition i.e. CRM-M-3111 of 2022 filed by one of the co-accused i.e. Veerpal is also pending, wherein notice has been issued, *inter alia* on the ground that the alleged occurrence had taken place in UP, whereas the FIR has been lodged in State of Haryana. The petitioners are ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Jagdish Manchanda, Addl. AG, Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioners are directed to join the investigation on or before 26.07.2023. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioners do not join and cooperate with the Investigating Agency as required by the

Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 14.09.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are not required for any custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioners is allowed and the order dated 19.07.2023 granting interim bail to them, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

5. However, it is made clear that if the petitioners fail to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.

(AMAN CHAUDHARY)
JUDGE

14.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No