

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-34989-2023

Date of decision: 07.11.2023

Rakib Hussain and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.C. Shahpuri, Advocate
for the petitioners.

Mr. Karan Jindal, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.180 dated 13.11.2020 for the offences under Sections 148, 149, 323, 325, 307, 506 IPC registered at Police Station Uttawar, District Palwal.

2. On 21.07.2023, while noticing the following submissions made by the learned counsel for the petitioners, this Court had directed the petitioners to appear before the Trial Court within a week and on appearance were to be admitted to interim bail:-

“Learned counsel inter alia contends that during investigation the petitioners were found innocent, after a thorough investigation was carried out by as many as three different officers, as they were not found anywhere in the vicinity of the occurrence in question, and thus, were placed in column No.2. They were, however, subsequently summoned under Section 319 Cr.P.C. to face trial as additional accused, therefore, now there was a genuine apprehension on their part that they could be arrested and sent to custody as and when they appeared before the trial Court. Learned counsel has further submitted that in the above facts and circumstances, custodial interrogation of the petitioners would not be required nor would it serve

any useful purpose, more so, when it was evidently a case of false implication, as the FIR in question was registered after an abnormal delay of 6 days from the date of alleged occurrence.”

3. Learned counsel for the petitioners submits that in compliance of order dated 21.07.2023, the petitioners have appeared and surrendered before the Trial Court and have been admitted to interim bail by the Trial Court. In support, he has placed on record a copy of order dated 27.07.2023 of learned Sessions Judge, Palwal wherein factum of the petitioners admitted to bail stands reflected.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioners having appeared and surrendered before the Trial Court and thereafter, admitted to interim bail by the Court concerned.

5. In view of the above, the petition is allowed and interim order dated 21.07.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

07.11.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No