

2023:PHHC:093764

101

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

-. -

CRM M 35501-2023  
Date of Decision 25.07.2023

*Meena and another*

*.....Petitioners*

*versus*

*State of Haryana*

*...Respondents*

**Coram      Hon'ble Mr. Justice Rajbir Sehrawat**

Present:      Mr. Lakhwinder Singh Lakhanpal, Advocate for the petitioners

-. -

**Rajbir Sehrawat, J. (Oral)**

1.              The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioners in case FIR No. 374 dated 25.06.2023, registered under Sections 148, 149, 323 and 506 of the Indian Penal Code, at Police Station Ambala City, District Ambala (Annexure P-1).

2.              It is submitted by counsel for the petitioners that case against the petitioners is totally false, frivolous and concocted. The petitioners have not committed any crime as alleged against them. Even as per the prosecution story, the allegations against the petitioners are qua giving kick and fist blows to the complainant. No grievous injuries have been attributed to the petitioners. There is not even any allegation that any weapon was used by the petitioners. Therefore, nothing is to be recovered from them. The petitioners shall join the investigation as and when called upon to do so. There is no other case against the petitioners.

3. Notice of motion.
4. Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana, on instructions from ASI Sanjeev Kumar, has submitted that the petitioners are alleged to have given the injuries to the complainant by kick and fist blows. Moreover, the investigation is at initial stage and, as such, they do not deserve any concession of anticipatory bail. However, it is not even disputed that there is not even any allegation of use of any weapon by the petitioners. It is also not disputed that there is no other case pending against the petitioners.
5. In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioners be released on bail, subject to their furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioners 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

July 25, 2023  
mohan bimbura

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |