

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

CRM-M-40869-2022
Date of decision: 28.03.2023

SHUBHAM @ KAKA AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohan Singh Chauhan, Advocate for the petitioners.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

VIVEK PURI, J. (ORAL)

Petitioners are seeking anticipatory bail in the case bearing FIR No.397 dated 04.07.2022, under Sections 148/149/323/506/307 IPC, 1860 and Sections 25/54/59 of Arms Act (added later on) registered at Police Station Ambala Cantt.

On 21.09.2022, the following order was passed:-

“Status report by way of affidavit of Ram Kumar, DSP, Ambala Cantt, dated 20.09.2022 has been filed by the State, which is taken on record, a copy of which has been given to the learned counsel for the petitioners. Learned counsel for the petitioners has submitted that it is a case where the allegations against both the petitioners are that they inflicted danda blow on the shoulder and waist of the person who was injured, wherein in fact as per the allegations in the FIR itself, the main accused in the present case were Nikhil and Nanu and has also referred to the MLR which has been attached with the affidavit filed by the State, which shows that the injuries sustained were three stabs on right thigh, one on left thigh and one on right thumb and there were 6-7 stabs on the head and one on left buttock. He further submitted that there is no injury with any blunt weapon and in fact both the petitioners have been falsely implicated only on the ground that earlier they were involved in some other cases under the Gambling Act

*and under the Excise Act.
In view of the aforesaid position, both the petitioners are directed to appear before the Arresting/Investigating Officer and join the investigation and thereafter also as and when called upon to do so. In the event of arrest, they shall be released on interim bail subject to furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioners shall abide by all the conditions as provided under Section 438 (2) Cr.P.C. Adjourned to 28.03.2023.”*

Learned counsel for the petitioners contend that the petitioners have joined the investigation in pursuance of interim directions.

On instructions from SI Amit Kumar, learned State counsel submits that the petitioners have joined the investigation and their custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 21.09.2022, granting interim bail to the petitioners is made absolute.

The petition is allowed.

28.03.2023
renubala

(VIVEK PURI)
JUDGE

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