

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:105994
CRM-M-50472-2022
Date of Decision: August 17, 2023

Hari Om @ Omi and others ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Naveen Batra, Advocate for the petitioners.

Mr. R.S. Khaira, DAG, Punjab.

Mr. A.S. Jattana, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

On 23.11.2022, following order was passed by this Court:-

“Prayer is for grant of anticipatory bail to the petitioners in criminal case having FIR No.139 dated 12.10.2022 registered under Sections 323, 342, 452, 506, 148, 149 IPC (Section 325 IPC added later on) at Police Station Nangal, District Rupnagar. Counsel for the petitioner inter alia contends that the petitioners are falsely implicated in the present case at the instance of complainant-Kamaldev who is a retired police inspector; that there is also a cross version, as per which, the complainant party caused injuries to petitioner No.2-Rohan Sharma and one Shama Rani who were medicolegally examined vide Annexures P-3 and P-4. He further submits that as the alleged incident took place outside the residential house of the complainant, no offence under Section 452 IPC is made out. He further submits that all other offences are bailable offences and further, no specific injury has been attributed to the petitioners who are ready to join the investigation. He further submits that similarly situated co-accused Parveen Kaushal and Rajat etc. have been granted concession of anticipatory bail by this Court vide orders dated 11.11.2022 and 14.11.2022 and copies of the same are furnished which are taken on record.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and Mr. Man Mohan, Advocate has put in appearance on behalf of the complainant and both of them resisted the present petition.

Counsel for the complainant submits that at the time of occurrence, the petitioners and their companions caused grievous injuries on the right hand thumb of the complainant and the said injuries were caused with the help of wooden stick embedded with nails. He further submits that the injuries were caused to the complainant by the petitioners and their companions by trespassing into the house of the complainant who is aged 71 years. He further submits that the petitioners are not entitled to get concession of anticipatory bail.

As per copy of MLR of complainant-Kamaldev which is supplied today by the State counsel, the injuries suffered by him were found to be caused with blunt weapon and thus, are covered under Section 325 IPC which is bailable offence.

Admittedly, similarly situated co-accused are already granted concession of interim bail by this Court.

Now be listed on 24.2.2023.

In the meantime, in case of arrest, the petitioners are directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioners should join the investigation with the police well in time before the next date of hearing and are to abide by the conditions as envisaged under Section 438(2) of Cr.P.C.”

On the last date of hearing i.e. on 24.05.2023, it was informed by learned State counsel that the petitioners had joined the investigation and were no longer required for further investigation. However, counsel for the complainant had sought time to argue the matter.

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It is contended by learned counsel for the complainant that the petitioners are still threatening the complainant. However, he agrees that he will pursue separate remedy, in case any threat is given by the petitioners.

In view of the above, the order dated 23.11.2022 is hereby made absolute. However, the petitioners shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

August 17, 2023

sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No