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

CRM-M-60081-2022

Date of Decision: 13.04.2023

Sajid and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Dinesh Maurya, Advocate for
Mr. Khalid Tauru, Advocate
for the petitioners.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.391, dated 25.09.2022 (Annexure P-1), registered under Sections 148, 149, 323, 452, 506 of the Indian Penal Code and Section 25 of the Arms Act, at Police Station Hathin, District Palwal.

On 13.01.2023 the following order was passed by this Court :-

“The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioners in case FIR No.391 dated 25.09.2022 (Annexure P-1), under Sections 148, 149, 323, 452 & 506 IPC and Section 25 of the Arms Act, registered at Police Station Hathin, District Palwal.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. It is submitted that there is no evidence on record linking the petitioners with the commission of offences as alleged in the instant case FIR (Annexure P-1), which has been registered on the basis of statement of the complainant Satbir Singh. It is submitted that the petitioners have been involved in the present case only on the ground that there was some altercations between the parties regarding drainage of rain water. It is stated that in

fact it was the complainant (Satbir Singh), who was letting out the rain water in the fields of petitioners and he was the aggressor as well and it was the petitioners, who called the police on help line No.112 and informed about the dispute. Thereafter, even the medical examination of the petitioners, to the effect of injuries suffered by them, was conducted but the police officials did not register a case against the complainant party, rather the present case was got registered against the petitioners upon false and frivolous statement of the complainant.

Learned counsel for the petitioners submits that other co-accused, namely Salim, Hafijan, Naseem and Yusuf, have already been granted the concession of pre-arrest bail vide orders dated 21.10.2022 and 29.10.2022, passed by the Additional Sessions Judge, Palwal; photocopies of which are supplied in Court today, which are taken on record, subject to all just exceptions. Learned counsel further states that the anticipatory bail application filed by the petitioners herein before the Additional Sessions Judge, Palwal, was wrongly dismissed, vide order dated 14.11.2022 and the petitioners are ready and willing to join the investigation as and when required by the Investigating Agency.

Learned State counsel although opposes the bail plea of petitioners by submitting that the offences are serious in nature, however he does not refute the fact that co-accused, namely Salim, Hafijan, Naseem and Yusuf, have already been granted the concession of pre-arrest bail vide orders dated 21.10.2022 and 29.10.2022, passed by the Additional Sessions Judge, Palwal.

List on 31.03.2023.

In the meanwhile, in the event of arrest of the petitioners, they shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, they shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners submits that pursuant to the aforesaid order, the petitioners have joined the investigation.

Learned State counsel on instructions from Head Constable Mahender has not disputed the aforesaid fact of joining of investigation by the petitioners and submits that their custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioners have joined the investigation and their

custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 13.01.2023 passed by this Court is made absolute.

However, the petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioners fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioners.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

13.04.2023
Himani

(HARSH BUNGER)
JUDGE

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