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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19772-2024 (O&M)
Date of decision: 23.05.2024

Harikesh and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Himani Anand, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG, Haryana.

Ms. Bindu Tanwar, Advocate for
Mr. Sauhard Singh, Advocate
for respondent No.2-complainant.

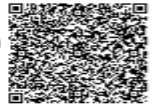
HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case bearing FIR No.120 dated 24.03.2024 under Sections 323, 354-A, 354-B, 452, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Ladwa, District Kurukshetra.

2. On 23.04.2024, the following order was passed:-

“The instant petition is preferred under Section 438 of the Code

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of Criminal Procedure, 1973 (for short 'Cr.P.C.'), seeking anticipatory bail in FIR No.120 dated 24.03.2024 under Sections 323, 354-A, 354-B, 452, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioners, inter alia, contends that the alleged incident took place during a wedding function, where number of people were present and the entire incident was recorded in the CCTV cameras. Due to some misconception between the neighbours, FIR (supra) has been registered. Now with the intervention of the Panchayat, dispute has been amicably settled and a compromise has been effected between the parties. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 07 years and no notice under Section 41-A Cr.P.C. was served upon the petitioners. As such, they are entitled to anticipatory bail.

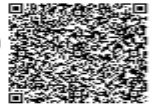
Notice of motion.

On asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Sauhard Singh, Advocate accepts notice on behalf of respondent No.2-complainant and files Power of Attorney, which is taken on record.

Learned counsel for respondent No.2-complainant submits that respondent No.2-complainant has no objection, in case anticipatory bail is granted to the petitioners.

Adjourned to 23.05.2024.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273**, **Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427**, **Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51**, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375** and **Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioners shall co-



operate in the investigation.

If the arresting officer does not permit the petitioners to join the investigation, they would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioners in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from Inspector Naresh Kumar, at the very outset, informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 23.04.2024 is hereby made absolute. The petitioners will abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

23.05.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No