

1. CRM-M-33603-2023

...PETITIONERS

...RESPONDENT

2. CRM-M-32999-2023

NITIN (MINOR) THROUGH HIS FATHER AND NEXT BEST FRIEND

...PETITIONER

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.D.S. Jattana, Advocate for the petitioner(s).

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

This common order of mine shall dispose of both petitions. For convenience, facts are borrowed from **CRM-M-33603-2023** titled as ***Deepanshu and others vs. State of Haryana.***

2. On 27.07.2023, the following order was passed:

“xxx...

CRM-M-33603-2023

Prayer in this petition under Section 438 Cr.P.C is for grant of anticipatory bail in case FIR No.0308, dated 27.04.2023 under Sections 147, 148, 149, 186, 307, 332, 333, 353, 379B IPC, registered at Police Station Rohtak City, District Rohtak.

Learned counsel for the petitioner inter alia submits that on account of the injury and fracture suffered by petitioner No.4 and medical record having come into being, the present FIR has been registered as counter blast.

On advance notice, Mr. Gurbir Singh Dhillon, AAG, Haryana, puts in appearance on behalf of the respondent-State and seeks accommodation to file status report.

Adjourned to 22.08.2023.

In the meanwhile, the medical record appended with the petition and the one placed on record subsequently, be also verified and mentioned in the status report to be filed on or before the next date.

Besides getting the treatment record already on record verified from the concerned sources, the record of complete medical treatment given to petitioner No.4, on her reporting to the Civil Hospital, Rohtak on 26.04.2023 at 11.48 p.m. and thereafter be mentioned in the status report and also made available for the perusal of the Court.

In the meantime, no coercive steps shall be taken against the petitioner till the next date.”

3. Status reports dated 13.01.2024 by way of an affidavit of Ravi Khundia, HPS Deputy Superintendent of Police, Rohtak on behalf of respondent-State have been filed in both the petitions and same are taken on record.

4. Learned State counsel, on instructions from SI Budh Singh, submits that custodial interrogation of the petitioner(s) is required as the weapons of offence used in the alleged incident are required to be recovered from the petitioners.

5. Learned counsel for the petitioner(s), however, submits that the perusal of the allegations contained in the FIR would show that the accused persons have pelted the stones on police party and in this process, some of the stones also hit the accused persons. The father and uncle of the petitioner(s) along with other co-accused have already been arrested by the investigating agency and place of occurrence was demarcated at the instance of co-accused Haripal. As such, learned counsel for the petitioner(s) submits that the

custodial interrogation of the petitioner(s) is not required.

6. In view of the aforesaid facts and circumstances and the law enunciated by the Hon’ble Supreme Court in *Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273* and *Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833*, at the first instance, petitioners in both petitions are directed to appear before the Investigating Officer within a period of two weeks and on their doing so or in the event of their arrest, the petitioners shall be admitted to anticipatory bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating Officer as and when required and abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

8. However, nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

9. The instant petition stands disposed of in above terms.

January 15, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |