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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53770-2023
Date of decision:-06.05.2024

SATYAWAN AND ANOTHER

... Petitioners

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. L.K.Yadav, Advocate for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

Mr. Balkar Singh, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

Mr. Anil Kumar, Assistant Commissioner of Police, (HQ) Jhajjar, District Jhajjar present in Court today has tendered unconditional apology, which has been accepted. Whereas, the written explanation dated 01.05.2024 filed by him in CRM-M-53838-2023, is already taken on record.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
268	29.08.2023	323, 458, 506, 147, 148, 149 IPC (325, 427 and 459 IPC added later on)	Dadri Sadar, District Charkhi Dadri, Haryana.

3. It is *inter alia* contended by learned counsel for the petitioners



that the petitioners are innocent and have been falsely implicated in this case. He submits that no overt act has been attributed to the petitioner and consequent of their arrest on 24.09.2023 only sticks have been recovered from them. He submits that the offence under Section 459 IPC is not attracted to the facts of the present case. He further submits that the petitioners were granted concession of interim bail vide order dated 21.11.2023 and the petitioners are no more required for further investigation and possible recovery has already been effected from them, as such such he prays for grant of concession of bail to the petitioners.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have opposed the bail petition by arguing that the petitioners have actively participated in the occurrence, as such prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that instant FIR was registered on the complaint moved by Sanjeev- complainant alleging that he was having joint water pipe along with his cousin Jasvinder for irrigation purpose and on the night of 28.08.2023, he came to know that some person causing damage to the pipeline. He along with some relative went to the fields and found that Satyawar, Suresh Singh along with some other persons damaging the pipe line and when they tried to stop, the assailants attacked them and thereafter they also forcibly entered to the house of complainant and had broken the doors and windows besides assaulting his mother, on the basis of the same the instant FIR was registered.

Admittedly the petitioners were arrested on 24.09.2023 and recovery of



sticks were effected from them. Vide order dated 21.11.2023 passed by this Court, petitioners were granted concession of interim bail. The matter is still under investigation, the presentation of challan and consequent conclusion of trial will take sufficient long time and no purpose would be served by sending the petitioners in custody again.

6. Resultantly, the present petition is allowed. The petitioners who are already on interim bail are ordered to be admitted to Regular Bail, subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of learned Trial Court concerned; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

06.05.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |