

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210 (2 cases)

1.

CRM-M-59533-2023

Date of decision: 30.01.2024

Sumit and others

.....Petitioners

Versus

State of Haryana

.....Respondent

2.

CRM-M-59637-2023

Date of decision: 30.01.2024

Aakash Bhadana and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rohit Rana, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioners.

Ms. Jasleen Chahal, AAG, Haryana.

Mr. Rajeev Kawatra, Advocate for
Mr. Vikas Kumar, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.678 dated 26.08.2023 under Sections 148, 149, 323, 324, 379-B, 452, 506 of the IPC (Section 379-B of the IPC deleted and Section 326 of the IPC added lateron), registered at Police Station Surajkund, District Faridabad.

2. On 28.11.2023, while noticing the following submissions made by the learned counsel for the petitioners, a Coordinate Bench of

this Court had granted the concession of interim bail to the petitioners and asked them to join investigation:-

“Learned counsel for the petitioners submitted that it is a case of version and cross-version and similarly situated co-accused, namely, Rohit Bhadana has been granted interim anticipatory bail by this Court in CRM-M-53777-2023 on 20.10.2023.”

3. Learned counsel for the petitioners submits that in compliance of orders dated 28.11.2023, the petitioners have joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from SI Pardeep Kumar, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. She, on further instructions, submits that the petitioners are not required for further investigation much less for their custodial interrogation.

5. On a pointed query put to the learned State counsel as to what was the seat of injuries, she on instructions, has submitted that the petitioners inflicted injuries with sticks on the fingers and hands of the complainant. It has also not been disputed by the learned State counsel that no specific attribution was there with respect to the injuries inflicted by the petitioners.

6. Learned counsel appearing for the complainant has opposed the prayer made by the counsel opposite for extending the concession of anticipatory bail to the petitioners. It has been submitted that no doubt the injuries inflicted were on non-vital part of the body of the injured, however, the mode and manner in which the injuries were inflicted with a stick could not be ignored.

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7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Once the petitioners have joined investigation and cooperated with the investigating agency, this Court does not deem it fit to order the custodial interrogation of the petitioners.

9. In view of the above, both the petitions are allowed and interim orders dated 28.11.2023, are made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

30.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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