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

CRM-M-61647-2023 (O&M)

Date of decision : 26.02.2024

Aniket and others

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arshdeep S. Khaira, Advocate,
for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

CRM-8421-2024

Application for placing on record copy of FIR No.0551 dated 13.12.2023, under Sections 323, 341, 506 & 148 read with Section 149 IPC, at Police Station, Kalanaur, District Rohtak registered at the behest of petitioner No.3, as Annexure P-4 is allowed as prayed for, subject to all just exceptions.

Registry to do the needful.

Main case

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (*for short, 'the Cr.P.C.'*) for grant of pre-arrest bail to the petitioners in FIR No.0415 dated 10.11.2023, under Sections 323, 452, 506 & 148 read with Section 149 of the

Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station, Urban Estate, District Rohtak.

2. Allegations are that petitioners along with other co-accused gave beatings to the complainant and his father; stole Rs.16.50 lakh as well as other valuable items from their house; and threatened to kill them.

3. Contends that the Coordinate Bench granted interim bail to the petitioners on 07.12.2023 and in terms thereof, all the petitioners have joined investigation; thus, their custodial interrogation is not required.

4. Learned State Counsel, on instructions, acknowledged the factum of joining investigation by all the petitioners; but, opposed the prayer on the premise that an amount of Rs.16.50 lakh is yet to be recovered from them.

5. Heard learned counsel for the parties and perused the paper-book.

6. It is a matter of record that petitioners were granted interim pre-arrest bail by the Coordinate Bench on 07.12.2023 and the order reads as under:-

“Learned counsel for the petitioners inter alia submits that the FIR in question infact is an off shoot of criminal dispute between the complainant and petitioner No.3.

Notice of motion for 10.01.2024.

In the meanwhile, petitioners will join investigation before the Investigating Officer as and when called. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on their furnishing adequate bail bonds/surety bonds to his satisfaction. The petitioners are directed to

abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, all three petitioners have joined the investigation. It is also an admitted position that in present case, the complainant is husband of petitioner No.3 and brother-in-law of petitioner Nos.1 and 2; thus, *prima facie*, it appears to be a matrimonial discord between complainant as well as petitioner No.3. In such a scenario, custodial interrogation of the petitioners would not serve any purpose

8. Consequently, interim order dated 07.12.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

9. It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

10. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

11. Disposed off accordingly.

12. Pending application(s), if any, shall also stand disposed off.

26.02.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No