

(2010) 12 P&H CK 0504

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-29733 of 2010

Isab and Another

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Dec. 2, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438, 438(2)
- Penal Code, 1860 (IPC) - Section 147, 148, 149, 186, 188
- Prevention of Damage to Public Property Act, 1984 - Section 3

Hon'ble Judges: Daya Chaudhary, J

Bench: Single Bench

Judgement

Daya Chaudhary, J.

The present petition u/s 438 Code of Criminal Procedure for grant of anticipatory bail has been filed on behalf of the Petitioners in case FIR No. 132 dated 6.6.2010 registered under Sections 147, 148, 149, 353, 186, 188 IPC, Section 135, 135A of R.P. Act and Section 3 of Prevention of Damage to Public Property Act at Police Station Nagina, District Mewat.

2. Learned Counsel for the Petitioners contends that in compliance of order dated 7.10.2010, the Petitioners have joined the investigation and recovery has also been effected from them.

3. Learned Counsel for the Respondent-State on instructions from Kuldeep Singh, ASI opposes the bail on the ground that the Petitioners have given beatings to the officials, who were on election duty. However, learned Counsel has not controverted the factum of joining the investigation by the Petitioners and also contends that recovery has also been effected from them.

4. I have heard the arguments advanced by learned Counsel for the parties and have also gone through the contents of the FIR.

5. As per allegations in the FIR, Petitioners gave beatings with dandas and lathies but there is nothing on record to show that any injury was caused to the complainant party. Even nothing has been pointed out as to which public property was damaged. As per allegations in the FIR, 40-50 persons duly armed with lathies and dandas entered the school premises and gave beatings but how the investigating officer came to the conclusion that the Petitioners were the persons who caused injuries and gave beatings to the complainant party. Moreover, a complaint was made by some official, who was on election duty but it has also not been disclosed by him as to how he came to know with regard to identity of the Petitioners.

6. In view of the facts and circumstances mentioned above and the fact that since the Petitioners have joined the investigation, recovery has also been effected and no injury was caused to the complainant, interim directions issued by this Court on 7.10.2010 are made absolute. However, the Petitioners shall abide by the conditions envisaged u/s 438(2) Code of Criminal Procedure

Petition stands disposed of accordingly.