

(2010) 10 P&H CK 0295

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M-29127 of 2010

Sarwan and Others

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Oct. 26, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438
- Penal Code, 1860 (IPC) - Section 148, 149, 323, 324, 452

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Judgement

Mehinder Singh Sullar, J.

Having exercised their right of anticipatory bail and lost in the Court of Addl. Sessions Judge, Petitioners Sarwan, Ved, Ram Niwas, Vinod, Dalip and Devi Lal, have directed the present petition for anticipatory bail in a case, registered against them, vide FIR No. 106 dated 8.6.2010 (Annexure P-1), on accusation of having committed the offences punishable under Sections 148, 323, 324, 452 and 506 read with Section 149 IPC by the Police of Police Station Ding, Distt. Sirsa, invoking the provisions of Section 438 Cr.PC.

2. Notice of the petition was issued to the State.

3. Having heard the learned Counsel for the parties, having gone through the record with their valuable help and after bestowal of thoughts over the entire matter, to my mind, the present petition deserves to be accepted in this regard.

4. It is not a matter of dispute that all the offences alleged against the Petitioners, except the offence punishable u/s 452 IPC, are bailable. Whether the penal provisions of Section 452 IPC as such, are attracted to the facts of the present case, would be the moot point to be decided during the course of trial of the case. All the offences, alleged against the Petitioners, are triable by the Court of Magistrate. Moreover, the learned State counsel, on instructions from ASI Des Raj, has stated

that the Petitioners have already joined the investigation and they are no longer required for further interrogation at this stage. There is no history of previous involvement of the Petitioners in any such case.

5. So, taking into consideration the totality of the facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of the trial of the case, the present Petitioners are entitled to anticipatory bail in the obtaining circumstances of the instant case.

6. Consequently, it is directed that in the event of their arrest, the Petitioners shall be released on anticipatory bail on their furnishing bail and surety bonds in the sum of Rs. 10,000/- each to the satisfaction of Arresting Officer, subject to the conditions that (i) they shall make themselves available for interrogation by the Investigating Agency as and when required; (ii) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and (iii) they will not leave India without prior permission of the trial Court.

7. Needless to state that in case, the Petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move an application for cancellation of their bail, in this relevant connection.