

CRM No. M-18480 of 2015
DECIDED ON: JULY 27, 2015

JARINA AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Satish Chaudhary, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Balraj Gujjar, Advocate
for the complainant.**JASPAL SINGH, J (ORAL)**

Instant petition has been preferred by Jarina and Nazma under Section 438 Cr.P.C. seeking pre-arrest bail in case FIR No. 282 dated July 10, 2014 under Sections 323, 506, 34, 325 and 307 IPC registered at Police Station Punhana, District Mewat.

2. While issuing notice of motion on June 02, 2015, following order was passed:-

“It is contended that the petitioners who are ladies have been falsely implicated. They are attributed simple injury. Injury attracting Section 307 is attributed to co-accused Sehjad, non-applicant.

Notice of motion for 03.07.2015.

In the event of their arrest, petitioners' shall be released on interim bail by the Arresting/Investigating Officer to his satisfaction. They shall join investigation as and when called upon by the Investigating Agency and they shall fully cooperate in the investigation of this case. The petitioners shall comply with the conditions stipulated in Section 438 (2) Cr.P.C.”

3. Learned counsel for the petitioner submits that in compliance of order dated June 02, 2015, petitioners have joined investigation.

4. Learned counsel for the complainant submits that petitioners accompanied with Jameel, Mustafa, Sehjad, Taufik, Sehroon, while armed with lathis and iron rods came all of a sudden and Jameel dealt an iron rod blow on the head of Khalid-complainant with an intention to kill him. Mustafa gave lathi blow hitting over his left eye. Taufik gave lathi blow on his wrist. On sustaining of injuries he fell down and Sehjad dealt an iron rod blow hitting on the person of his father Nasru and Taufik also gave a lathi blow hitting on the right hand of his father Nasru. Assailants also caused injuries to Tayyub as well as brother of complainant. The complainant as well as other injured sustained a large number of injuries at the hands of petitioners and their co-accused and injuries falls within the ambit of Section 307 IPC. Accordingly, he prayed for dismissal of instant petition.

5. This Court has given an anxious thought to the submissions made by learned counsel for the parties and have also gone through the record available on file.

6. Though, investigating agency did not register a cross-version case as yet at the instance of petitioners but one thing is evident that petitioner No.1 sustained as many as nine injuries at the hands of complainant party whereas, petitioner No.2 received as many as four injuries and there is no explanation in this regard. Moreover, as far as allegations against petitioners are concerned, injuries attributed to them only fall within the ambit of Section 323 IPC. Since, they have joined investigation and nothing is recovered from them, this Court is of the considered view that a case is made out to extend the concession of pre-arrest bail to the petitioners.

7. Accordingly, instant petition is allowed and order dated June 02, 2015 is made absolute.

8. However, petitioners shall abide by all the terms and conditions as envisaged under Section 438 (2) Cr.P.C.

JULY 27, 2015
SHAM

(JASPAL SINGH)
JUDGE