

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

CRM No.M-25872 of 2015

Date of decision: 12.10.2015

Santosh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Loveleen Dhaliwal, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana
assisted by ASI Suresh Pal.

Mr. Manoj Chahal, Advocate
for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought pre-arrest bail in criminal complaint No. 991-1 dated 12.12.2013/24.12.2013, registered under Sections 307, 323, 325, 341, 342, 506, 148, 149, 166 and 166-A IPC pending in the Court of learned JMIC, Hansi, District Hisar.

It is contended that initially the FIR was registered under Sections 148, 149, 323, 342, 506 and 325 IPC at Police Station Narnaud. Thereafter, on the private complaint moved by the complainant, the petitioner and her co-accused were summoned whereby Section 307 IPC was also added. It is submitted that the injury No.2 attributed to the petitioner is on the person of Devinder

which is defused swelling on the lips of the injured. She states that the injury attributed to the petitioner does not invoke Section 307 IPC. In pursuance of the order dated 06.08.2015, the petitioner has surrendered before the trial Court and has been admitted to interim bail subject to passing of the final order in this petition. She states that the petitioner has been falsely implicated being a member of the extended family.

On the other hand, the learned State counsel as well as learned counsel for respondent No.2 oppose the bail application. The learned State counsel submits that in fact the Investigating Officer did not obtain any opinion with regard to the injury, therefore, he is unable to state whether the injury suffered by injured Devinder at the hands of the petitioner falls within the ambit of Section 307 IPC.

Heard.

Keeping in view the fact that the petitioner has already been admitted to bail and she has not misused the concession of bail, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 06.08.2015, is made absolute.

The petition stands allowed.

12.10.2015

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(JITENDRA CHAUHAN)
JUDGE