

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

CRM No.M-44410 of 2014 (O&M)

Date of decision:04.08.2015

Om Parkash & others

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.K. Yadav, Advocate for the petitioners.

Mr. Satish Saini, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Petitioners seek the concession of pre-arrest bail in case FIR No.482 dated 28.06.2014, under Sections 306 read with Section 34 IPC, registered at Police Station Sadar Gurgaon, District Gurgaon.

While issuing notice of motion on 26.12.2014, the following order was passed by this Court:

“The petitioners seek the concession of pre arrest bail in case FIR No.482 dated 28.06.2014 under Sections 306 read with 34 IPC, registered at Police Station Sadar Gurgaon, District Gurgaon.

It is contended that the petitioners No.3 & 4 who are the wives of petitioners No.1 & 2 respectively had purchased land from the brother of the complainant in the year 2008 vide registered sale deed and even possession was delivered on the same very date. It is submitted that after taking possession of the land in question, the complainant as also family members had caused interference in the possession and had caused injuries to petitioners No.3 & 4 which led to the filing of the FIR No.155 dated 20.06.2008 under Sections 148/149/188/323/325/427/506 IPC registered at Police Station

Kanina. It is further submitted that in pursuance to the trial that commenced, the complainant along with other co-accused including the deceased were even convicted vide judgment dated 10.03.2014 passed by the JMIC, Mahendergarh. The appeal against conviction is pending before the Sessions Court at Narnaul. Argument raised is that even if the deceased has committed suicide on account of the conviction no offence under Section 306 IPC would be made out.

Notice of motion for 16.03.2015.

In the event of arrest, the petitioners be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Sushil Kumar would apprise the Court that the investigation in the case is complete and even challan would be presented before the competent Court shortly.

That apart, the narration of facts as noticed in the notice of motion order passed by this Court has not been disputed.

In the considered view of the Court, custodial interrogation of the petitioners would not be warranted.

Petition is allowed. Order dated 26.12.2014 is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

04.08.2015
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