

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

CRM-M No. 15114 of 2016 (O&M)

Date of Decision: 09.05.2016

Brijpal and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Angel Sharma, Advocate for the petitioners.

Mr. Neeraj Poswal , Assistant Advocate General, Haryana
for the respondent/State assisted by SI M.S. Khan.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused persons, namely, Brijpal and his brother-Bachu (petitioner Nos. 1 and 2, respectively) in case FIR No. 33, dated 01.02.2016, for offences punishable under Sections 148, 149, 323, 342, 452, 506, 326 of the Indian Penal Code, registered at Police Station Sadar Ballabhgarh, District Faridabad.

As per the version of complainant-Sandeep Hooda, on 28.01.2016 at around 8.30 p.m., both the accused persons, namely, Brijpal and his brother-Bachu (petitioners herein) alongwith seven other co-accused persons armed with *sword, danda, iron rod, knife* etc. entered the house of complainant and gave merciless beatings to his brother Anil @ Monu. In the investigation, it has surfaced that injured-Anil @ Monu suffered seven injuries including two grievous in nature i.e. one fracture of the nose and the other chopping off the left ear. He (injured) is stated to have remained in hospital from 29.01.2016 to 06.02.2016. The role attributed to accused-Brijpal (petitioner No. 1) is

that of catching hold the hand of Anil (injured), while Bachu (petitioner No. 2) is not attributed any specific overt act.

Learned counsel for the petitioner contends that the aforesaid Anil @ Monu (injured) accompanied by two other accused persons, namely, Monu son of Ved Pal and Sonu son of Ramvir, on 28.01.2016 at around 9.00 p.m. had tried to molest Anu, (aged 17 years) daughter of the accused-Brijpal (petitioner No. 1), leading to lodging of the FIR No. 08, dated 29.01.2016 by Anu. He further submits that the alleged grievous injuries are attributed to co-accused-Sanjeev and Manjit. It is also contended that petitioner No. 1 (Brijpal) is in custody since 11.04.2016 and petitioner No. 2 (Bachu) is in custody since 12.04.2016 and investigation qua them are over.

Learned State Counsel, assisted by SI M.S. Khan, does not dispute the role attributed to the petitioners, custody period of the petitioners and the fact that investigation qua them are over. He also does not dispute the lodging of aforesaid FIR No. 08, dated 29.01.2016 (Annexure P-2) for molestation of Anu.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioners, role attributed to the petitioners and the fact that the investigation qua them are over, the present petition is allowed and the petitioners are ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 09, 2016

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**(JASWANT SINGH)
JUDGE**