

CRM-M No.27200 of 2016 (O&M)
Date of decision: September 06, 2016

Geeta and another **...Petitioners**

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jagdish Manchanda, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana
for the respondent-State.

Mr. Manoj Kumar Sood, Advocate
for the complainant.

JASPAL SINGH, J.

CRM No.25101 of 2016

Application is allowed, as prayed for.

CRM No.25102 of 2016

Application is allowed, as prayed for.

Annexures P-3 to P-6 are taken on record.

CRM-M No.27200 of 2016 (O&M)

The instant petition has been preferred by the petitioners under Section 438 of Code of Criminal Procedure, seeking pre-arrest bail, feeling apprehension of their arrest, in case bearing FIR No.473 dated 13.07.2016, under Sections 148, 149, 323, 452, 506 of Indian Penal Code registered at Police Station Surajkund, District Faridabad.

Allegations against the petitioners are that they along with other co-accused, found with *lathi*, *danda* and iron rods, abused and caused

injuries to the complainant and his family members.

Learned counsel for the petitioners has submitted that no specific role has been attributed to the petitioners. Complainant party was the aggressor. Even complainant party caused serious injuries to the petitioners and threatened them to face dire consequences. Complainant party snatched away the earrings and gold chain of petitioner No.1. They remained admitted in B.K. Hospital, Faridabad due to serious injuries caused by the complainant party.

Learned counsel has further contended that petitioners are ready to join the investigation and shall abide by all the terms and conditions imposed upon them in case they are released on pre-arrest bail. Learned counsel for the respondents have opposed the instant petition and submitted that wall was broken by the accused-party. Complainant received grievous injuries even minor child also suffered injuries at the hands of accused party.

This Court has given a deep thought to the rival submissions made by learned counsel for the petitioner and gone through the record available on file.

MLR of Rohit-complainant, Jasbir, Mohit and Abhishek have been placed in record which clearly depict that more than 50 injuries are alleged to have been sustained by the complainant-party. Recovery of alleged weapons of offence i.e. iron rods, wooden sticks requires to be effected from the accused. Petitioners are the main accused in the instant case.

Keeping in view the nature of injuries caused to the complainant and his family members and the gravity of offence, this Court is of the considered view that it will not be justified to enlarge the petitioners on bail. Their custodial interrogation is required for effecting recovery of alleged weapons of offence as well as to unearth all the ramifications involved in the case. Accordingly, this Court does not find any ground to grant the concession of bail to the petitioners.

Dismissed.

September 06, 2016
m. sharma/avin

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No