

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

CRM No.M-7906 of 2016 (O&M)

Date of Decision : 26.05.2016

Dharamwati

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM No.M-11615 of 2016 (O&M)

Date of Decision : 26.05.2016

Ramhans

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Tanmoy Gupta, Advocate for the petitioner(s).

Mr. Deepak K. Grewal, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-7906 of 2016 titled as Dharamwati Vs. State of Haryana and CRM No.M-11615 of 2016 titled as Ramhans Vs. State of Haryana as both these connected petitions have been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners herein in case FIR No.39 dated 18.01.2014, under Sections 147/148/149/323/324/452/326/506/201 IPC, registered at Police Station Sadar Palwal, District Palwal.

On 03.03.2016, while issuing notice of motion, the following order was passed by this Court in CRM No.M-7906 of 2016:

“Present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.39 dated 18.01.2014, under Sections 147, 148, 149, 323, 324,452 of Indian Penal Code, registered at Police Station Sadar Palwal, District Palwal.

Counsel would submit that subsequently offence under Section 307 IPC was added which had been converted into

Section 326 IPC.

It has been contended that the injury that has attracted offence under Section 326 IPC is attributed to Roshan i.e. husband of the petitioner and not to the present petitioner.

Notice of motion, returnable for 26.05.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

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

Likewise, on 04.04.2016, notice of motion order was passed in CRM No.M-11615 of 2016, which reads in the following terms:

“The present petition has been filed under under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.39 dated 18.01.2014, under Sections 147/148/149/323/324/452 IPC, registered at Police Station Sadar Palwal, District Palwal.

Counsel would submit that subsequently offence under Section 307 IPC was added and which was converted into Section 326 IPC.

It is contended that the injury that has attracted offence under Section 326 IPC is attributed to Roshan and Lakhpat i.e. non-petitioners and who were arrested and have been granted benefit of regular bail.

Notice of motion, returnable for 26.05.2016.

To be listed along with CRM No.M-7906 of 2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by

the conditions envisaged under Section 438(2) Cr.P.C. ”

Learned State counsel upon instructions from ASI Mahender Singh apprises the Court that the petitioners in these two connected petitions have since joined investigation.

That apart, it has gone uncontroverted that the offence under Section 326 IPC is attributed not to the petitioners herein but to co-accused, Roshan and Lakhpat i.e. non-petitioners and who were arrested and thereafter had been granted benefit of bail.

Accordingly, both these connected petitions are allowed. Orders dated 03.03.2016 passed in CRM No.M-7906 of 2016 and 04.04.2016 passed in CRM No.M-11615 of 2016 are made absolute.

Disposed of.

26.05.2016

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**