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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 14182 of 2017
Date of Decision: 09.05.2017

Virender

.....Petitioner

Vs

State of Haryana and another

.....Respondents

CRM-M No. 14383 of 2017

Devender and others

.....Petitioners

Vs

State of Haryana and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Mahavir Sandhu, Advocate,
for the petitioner(s).

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

Mr. Lajpat Sharma, Advocate,
for respondent No. 2.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, **CRM-M No. 14182 of 2017**
titled Virender Vs. State of Haryana and another and

CRM-M No. 14383 of 2017 titled Devender and others Vs. State of Haryana and another, are being disposed of.

Prayer is for grant of regular bail under Section 439 Cr.P.C in a complaint case No. 382, dated 21.10.2013, in which petitioner(s) have been summoned under Sections 436, 452, 323 and 149 I.P.C. (in CRM-M No. 14182 of 2017) and under Sections 436, 379, 323, 324, 148, 149 and 452 I.P.C. (in CRM-M No. 14383 of 2017).

In continuation of incident, dated 15.03.2013, the allegations were made that an incident, dated 01.07.2013, took place, in which the allegations were made that the petitioner(s) proceeded to the house of the complainant in odd hours in an inebriated condition and gave abuses to the complainant. Uncle of the complainant, namely Phool Singh, was given beatings, resulting in fracture of his jaws. FIR No. 149, dated 02.07.2013, came to be registered for the offence under Sections 323, 324, 325 and 34 I.P.C., at Police Station Sahlawas, District Jhajjar. Thereafter, the alleged incident took place. Pleadings in terms of Para 7 of the complaint is conspicuously missing, viz. time, place and manner of the occurrence.

Learned counsel for the petitioner(s) contended that if

the FIR, in respect of occurrence, dated 01.07.2013, was registered on 02.07.2013, the conduct of the complainant party would be on explanatory note as to why the subsequent incident was not brought to the notice of the Court for registration of the offence in question on 02.07.2013 itself.

The very filing of the complaint on 21.10.2013 would give rise to *mala-fides* of the complainant in view of the fact that in respect of occurrence, dated 15.03.2013, the petitioner party had already lodged FIR No. 92, dated 10.04.2013, against Mukesh and Mukhthar for the offence under Sections 323, 324, 325 and 34 I.P.C., at Police Station Sahlawas, District Jhajjar. One of the house of the petitioner party, i.e. co-accused Surender, was also burnt in the incident and that fact has been proved on record.

Learned State counsel duly assisted by learned counsel for the complainant, however, opposed the bail on the ground that after summoning of the petitioner(s) and framing of the charges, prosecution witnesses are yet to be examined and the grant of bail may entail in tampering of evidence of the prosecution.

Since the petitioner(s) have been summoned in a

complaint case, looking to the controversy in question at this stage and without forming any opinion on merits of the case, I deem it appropriate to enlarge the petitioner(s) on regular bail.

In view of above, petitions are allowed. Petitioner(s) are ordered to be enlarged on regular bail, subject to their furnishing adequate bail bonds/ surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 09, 2017.
Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No