

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Misc. No.M-28509 of 2017(O&M)

Date of Decision: September 18, 2017

Umesh

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kunal Dawar , Advocate
for the petitioner (s).

Mr. Ashish Yadav, Addl. A.G., Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 177 dated 27.05.2017 registered for the offences punishable under Sections 147, 148, 323, 452, 506 of Indian Penal Code (for short IPC) (Sections 420, 482, 411 IPC added later on) at Police Station Chandhuth District Palwal.

Heard.

As per the case of the prosecution, the petitioner along with Rahul, Yogesh, Mohit and Chanchal intruded the house of complainant and caused injuries to Manoj and his wife Sheetal. The dispute pertains to construction on the joint property which led to the present occurrence.

Learned counsel for the petitioner submits that the

complainant after registration of FIR has entered into compromise with Yogesh, Mohit and Chanchal, while Rahul, brother of petitioner, has been allowed regular bail in this case by this Court vide order dated 21.07.2017 passed in CRM-M-24564-2017. The injuries allegedly caused to Manoj and his wife Sheetal are simple in nature and no specific injury has been attributed to the petitioner. As per the allegations in the FIR, it was Sanjay, Maya and Savita, who were caused injuries (slaps and fist blows).

Keeping in view the above facts and circumstances and the fact that the parties are related to each other and there is property dispute between them, this petition is allowed and the petitioner is directed to surrender before the police and join investigation within a week. In the event of his arrest being required, he shall be released on pre arrest bail till the presentation of challan, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of bail allowed to him and will seek regular bail on presentation of challan.

It is, however, made clear that in the event the petitioner failing to join the investigation, as and when so required, he will lose the benefit of pre-arrest bail allowed to him.

September 18, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No