

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

**CRM No.M-39757 of 2016 (O&M)
Date of Decision: 01.02.2017**

Mamta & others ... Petitioners

Versus

State of Haryana ... Respondent

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

Present:- Mr. Mrigank Sharma, Advocate for the petitioner.

Mr. C.S. Bakhshi, Additional Advocate General, Haryana.

Mr. Nirmal Singh, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.74, dated 06.06.2016, under Sections 148/149/323/307/506 IPC, registered at Police Station Barara, District Ambala.

Counsel submits that the FIR was registered at the instance of Mehar Chand as regards him as also his wife having been assaulted by a number of persons and who were his relatives including the present petitioners. Motive attributed is with regard to partition of a joint holding of land.

Perusal of the FIR would reveal that insofar as the present petitioners are concerned, who are all ladies, lathis/fist/slap blows have been attributed on Sarswati i.e. wife of the complainant.

It has gone uncontroverted that the injuries suffered by

Sarswati have been opined to be simple in nature.

While issuing notice of motion, the following order was passed by this Court on 08.11.2016:

“Learned counsel for the petitioners states that the allegation against the petitioners is that they were members of unlawful assembly but no injury which may attract Section 307 IPC has been attributed to them.

Notice of motion for 01.02.2017.

In the meantime, in the event of arrest of the petitioners, they shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioners shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned State counsel apprises the Court that the petitioners have since joined investigation.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

Accordingly, petition is allowed. Order dated 08.11.2016 passed by this Court is made absolute.

Disposed of.

01.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |