

217

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

**CRM-M No.4049 of 2017 (O&M)
Date of Decision: 13.02.2017**

SOMBIR AND ORS.

.....Petitioners

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr. Rakesh Dhiman, Advocate
for the petitioners.

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

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.14 dated 05.01.2017 registered under Sections 148, 149, 323, 324, 427, 506 IPC and under Sections 307 and 325 IPC (added later on) at Police Station Jhajjar, District Jhajjar.

The FIR was got registered by one Indrawati with the allegations that on 04/05.01.2017 in the night at about 11.00 p.m. the accused namely Rishi, Sombir, Neeraj, Vijay, Rajkumar, Parveen and Sumit along with 4-5 persons with deadly weapons came to demolish the wall of her plot.

Rajkumar was driving the tractor. On hearing the noise, complainant along with her sons Vinod, Dharmender and Ashok reached at the site. Scuffle took place. The accused started beating the sons of the complainant. When the complainant tried to rescue them, then Rishi inflicted injuries with *rod* and Neeraj inflicted injuries with *danda* on the person of the complainant. Sons of the complainant saved themselves by running away from the spot.

Learned counsel for the petitioners submitted that initially the FIR was registered only under Sections 148, 149, 323, 324, 427, 506 IPC and the petitioners were granted regular bail after their arrest on 05.01.2017. The offence under Sections 307 and 325 IPC were added later on. All the petitioners were arrested on 24.01.2017.

The aforesaid factual details have been admitted by the learned State counsel on instructions from ASI Hoshier Singh.

Since initially the petitioners were granted regular bail, there was enlargement of the culpability at a later stage, for which the petitioners have been arrested.

At this stage, without adverting to the merits of the case, I am of the view that the case of the petitioners can be

considered for the grant of regular bail as they were granted regular bail initially and have not misused the concession of the said bail at any point of time.

In view of above, petition is allowed. Petitioners are ordered to be enlarged on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the *Ilalaqa* Magistrate/Duty Magistrate, Jhajjar.

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

February 13, 2017.

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No