

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

207

**CRM-M-7160 of 2017 (O&M)
Date of Decision: April 19, 2017**

Jaiwanti and another

....Petitioners

vs.

State of Haryana

....Respondent

2. CRM-M-7165 of 2017 (O&M)

Subhash

....Petitioner

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Mrigank Sharma, Advocate for the petitioner(s).

Mr. Satish Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of **CRM-M-7160 of 2017** (Jaiwanti and another vs. State of Haryana) and **CRM-M-7165 of 2017** (Subhash vs. State of Haryana) as the petitioners in these two connected petitions seek concession of pre-arrest bail in FIR No.74 dated 06.06.2016 under Section 148, 149, 323, 307 and 506 of Indian Penal Code, registered at Police Station, Barara, District Ambala.

On 06.03.2017, while issuing notice of motion, the following order was passed by this Court:-

*“The present petition has been filed
under Section 438 Cr.P.C for grant of anticipatory bail*

to the petitioners in case FIR No.74 dated 6.6.2016 registered under sections 148, 149, 323, 307, 506 I.P.C at Police Station, Barara, District Ambala.

Counsel submits that the FIR came to be lodged on the complaint of Mehar Chand in relation to an alleged occurrence that took place on 3.6.2016.

Counsel submits that even though, initially the FIR had been registered under sections 148, 149, 323, 506 I.P.C but the offence under Section 307 I.P.C has been added subsequently after a period of four months approximately on the basis that complainant Mehar Chand has suffered a fracture of the skull.

It is argued that in so far as petitioner no.1 Jaiwanti is concerned, the role attributed is of having given a Lathi/Danda blow on the wife of the complainant. No injury has been attributed to petitioner no.1 on the person of the complainant.

In so far as petitioner no.2 Rakesh is concerned, the attribution is of a Lathi blow on the left shoulder, back, left arm and right hip. It is contended that even as per version of the complainant, it was coaccused/non-applicants Pankaj, Salinder and Rajesh, who had inflicted Lathi blows on his head.

Notice of motion, returnable for 19.4.2017.

In the meanwhile, petitioners are directed to join investigation.

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

Like wise while issuing notice of motion on 06.03.2017, following order was passed in CRM-M-7165 of 2017:-

"The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.74 dated 6.6.2016 registered under sections 148, 149, 323, 307, 506 I.P.C at Police Station, Barara, District Ambala.

Counsel submits that the FIR came to be lodged on the complaint of Mehar Chand in relation to an alleged occurrence that took place on 3.6.2016.

Counsel submits that even though, initially the FIR had been registered under sections 148, 149, 323, 506 I.P.C but the offence under Section 307 I.P.C has been added subsequently after a period of four months approximately on the basis that complainant Mehar Chand has suffered a fracture of the skull.

In so far as the present petitioner is concerned, the attribution is of a Lathi blow on the left shoulder, back, left arm and right hip. It is contended that even as per version of the complainant, it was coaccused/non-applicants Pankaj, Salinder and Rajesh, who had inflicted Lathi blows on his head.

Notice of motion, returnable for 19.4.2017.

To be heard along with CRM No. M-7160 of 2017.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/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 Birbhan would apprise the Court that all the three petitioners in these two connected petitions have since joined investigation and are not required for custodial interrogation.

Accordingly, prayer made in both these petitions is accepted. The orders dated 06.03.2017, passed by this Court in CRM-M-7160 of 2017 and CRM-M-7165 of 2017, are made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

19.04.2017
anju rani

Whether speaking/reasoned : Yes
Whether reportable : No