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

**CRM-M No.10343 of 2018
Date of Decision: 28.03.2018**

MUNIRAM BHADANA @ MANI BHADANA
.....Petitioner

Vs
STATE OF HARYANA
.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manoj Kumar, Advocate
for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.134 dated 24.02.2018, registered under Sections 323, 452, 506, 34 IPC at Police Station Surajkund, Faridabad.

Learned counsel for the petitioner submitted that as per allegations in the FIR, Sunil, Yashin and the petitioner allegedly trespassed into the house of the complainant and gave beatings to them. In fact, Yasin is a tenant of the petitioner, who is running a butcher shop in the vicinity of house of the complainant. Yasin used to slaughter chicken in open and the

feathers used to enter into the house of the complainant with the wind. Complainant wanted that Yasin should vacate the shop of the petitioner and in order to exert pressure upon the complainant, the FIR has been registered.

It has been further alleged in the FIR that Yasin, Sunil and the petitioner duly armed with *dandas* entered in the house of the complainant, when complainant along with his wife was sitting in the house. Petitioner started giving beatings with danda to the complainant. When wife of the complainant came to rescue him, Yasin gave danda blow to her. On hearing the cries, son of the complainant Vikas and his wife Pinky came to rescue them. Then all the three gave beatings to the complainant's son and his wife Pinki.

The Addl. Sessions Judge, Faridabad, while declining the bail has observed that Pinki was carrying three months' pregnancy and injury No.1 on her person was subjected to gynecologist opinion.

Learned State counsel on instructions from ASI Manoj Kumar submitted that no opinion has been obtained by the police as Smt. Pinky has not disclosed anything about her treatment by the Doctor.

After hearing learned counsel for the parties, I am of

the opinion that the only non-bailable offence is Section 452 IPC. The second part of the offence under Section 506 IPC would also remain debatable in the context of alleged threat given by the petitioner.

Looking to the aforesaid circumstances, this petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 03.04.2018 and in the event of his arrest, he shall be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

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

March 28, 2018	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No