

**CRM-M-40858-2018 and
CRM-M-41349-2018**

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

Date of Decision: 13.12.2018

1. CRM-M-40858-2018

Babita and others

... Petitioners

Versus

State of Haryana

... Respondent

AND

2. CRM-M-41349-2018

Sahil

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Surinder Singh Duhan, Advocate,
for the petitioners in both the petitions.

Mr. Sharad Kumar Yadav, DAG, Haryana.

INDERJIT SINGH, J.

This order shall dispose of CRM-M-40858-2018, filed by petitioners-Babita, Mohit and Rajinder and CRM-M-41349-2018, filed by petitioner-Sahil, under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.811 dated 12.08.2018, registered at Police Station Chandni Bagh, District Panipat, under Sections 323, 34, 354, 451 of IPC and Section 3 of the SC/ST Act, 1989 (Amendment, 2015).

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Notice of motion was issued in both these petitions. Learned State counsel put in appearance on behalf of the respondent-State and contested these petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and gone through the record.

Learned counsel for the petitioners contended that petitioner No.1-Babita and petitioner No.2-Mohit are wife and son of Suresh, respectively, who is the main accused who uttered derogatory words. The role attributed to petitioner No.1-Babita is that she gave beatings with slaps, fists and leg blows and role attributed to petitioner No.2-Mohit is that he hit the complainant with a *danda*. So far as petitioner No.3-Rajinder is concerned, a reading of FIR would reflect that the complainant was given *danda* blows due to which she became unconscious. The present FIR is registered under Sections 323, 34, 354, 451 of IPC and Section 3 of the SC/ST Act, 1989 (Amendment, 2015). So far as petitioner(Sahil) in CRM-M-41349-2018 is concerned, he is stated to be juvenile having date of birth of 07.07.2001.

In pursuance of the interim orders dated 17.09.2018 passed in CRM-M-40858-2018 and dated 03.10.2018 passed in CRM-M-41349-2018 by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Nothing is to be recovered from them. Therefore, no useful purpose will be served by sending the petitioners to custody.

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Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in both these petitions and the same are allowed. The orders dated 17.09.2018 passed in CRM-M-40858-2018 and dated 03.10.2018 passed in CRM-M-41349-2018, granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

13.12.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No