

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

**CRM-M-43962-2018
Date of decision:02.11.2018**

Manju Bohra and another

....Petitioners

Versus

The State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sunil Panwar, Advocate
for the petitioners.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana
assisted by SI Hakumiddin.

Mr. Amandeep Singh, Advocate for
Mr. S.K. Aggarwal, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

The petitioners seek grant of anticipatory bail in respect of
FIR No.274 dated 16.08.2018 under Sections 147, 149, 323, 325, 427 and
506 of Indian Penal Code, 1860 Police Station Gurgaon City, District
Gurugram.

The FIR was registered at the instance of Shiv Kumar Bohra
(‘Jeth’ i.e. brother-in-law of petitioner No.1) wherein he has alleged that
on 14.08.2018 while he was sitting outside his shop, then petitioner No.1-
Manju Bohra came there and started hurling abuses and thereafter also
slapped him. It is further alleged that subsequently her son Mayank
Bohra was called by her over telephone and who upon coming pushed

him and also gave fist and kick blows. Manju Bohra is also alleged to have given kick blows on the neck of the complainant.

Notice of the petition was issued to the respondent-State.

Learned counsel for the petitioners has submitted that a false FIR has been lodged against the petitioners and in fact a tainted version has been put forth inasmuch as the petitioner No.1 had got lodged the FIR on 15.08.2018 in respect of the occurrence in hand and it was subsequently that the counter-blast i.e. the present FIR has been lodged. Learned counsel for the petitioner has submitted that dispute in fact arose when the complainant party was trying to raise illegal construction despite there being stay order by Civil Court, which was objected to by Manju Bohra-petitioner No.1.

On the other hand, learned State counsel assisted by learned counsel for the complainant have opposed the application by submitting that in fact there is a CCTV footage of the entire occurrence, which clearly shows that Manju Bohra has given slaps to the complainant. It has further been informed that Section 452 IPC has been dropped. It has also been informed that fracture was found on the face of the complainant pursuant to C.T. Scan got conducted by the complainant from a private hospital. It has thus been submitted that the petitioners do not deserve the concession of anticipatory bail.

Having regard to the facts and circumstances of the case and bearing in mind that it is a case of cross-version and that Section 452 of Indian Penal Code, 1860 has already been dropped and that none of the petitioners was stated to be armed with any deadly weapon, in my

opinion, it is not a case warranting custodial interrogation. The petition as such, is accepted. In the event of arrest of the petitioners, they shall be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

02.11.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**