

Sr. No.222

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

**CRM-M-50078-2018
Date of decision:5.12.2018**

Mahender and others

.....Petitioners

versus

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Amanpreet Kaur Sabharwal, Advocate for
Mr. Anurag Arora, Advocate
for the petitioners.

Mr. Vijesh Sharma, DAG, Haryana.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.0309, dated 12.10.2018 for the offences punishable under Sections 186,34,353,379-A,506 IPC registered at Police Station Israna, District Panipat.

Learned counsel for the petitioners contends that there is delay of 6 days in lodging the FIR and there is no specific injury, even alleged by the prosecution against anybody. The only allegation is that some foul language was used by the petitioners. Even that allegation of the complainant is not factually correct. Infact, the demarcation of the land had already been conducted by the Local Commissioner on 07.08.2018. Therefore, the petitioners were under impression that the complainant was interfering in the process without their being any order from any competent authority. It is further contended that; on the contrary, the complainant misbehaved with the petitioners and even inflicted injuries upon them. As a

result, Medico Legal Report was also prepared qua the injuries suffered by the petitioners. It is further submitted that the petitioners are in custody since 12.10.2018. Challan has already been filed. Therefore, the petitioners are no more required for any further investigation purposes.

On the other hand, learned State Counsel, being instructed by ASI Jitender; submits that the petitioners have interfered in lawfull functioning of the person who was deputed by the Competent Authority to carry out the demarcation. However, it is not disputed that the said government servant has not been caused any injury. It is also not disputed that challan has already been filed but the evidence has not yet started.

In view of the above, but without commenting upon the merits of the case, the petition is allowed. Petitioners are granted the concession of bail pending trial. They be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

5th December, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*