

CRM-M-5308-2019

Date of decision: February 13, 2019

Anoop

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**Present:** Ms. Sharmila Sharma, Advocate
for the petitioner.

Mr. Naveen Sheoran, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer made in the present petition is for grant of regular bail to the petitioner in FIR No.1138 dated 31.10.2018 under Sections 323, 342, 307, 506, 34 IPC registered at Police Station, Jhajjar.

Counsel for the petitioner submits that the marriage of the petitioner and the complainant was solemnized about 11 years ago and two daughters were born out of this wedlock. However, on account of daily wear and tear there used to be unpleasant atmosphere in the house. Counsel for the petitioner further submits that the FIR was initially registered under Sections 323, 506/34 IPC. However, after recording of the supplementary statement of the complainant-wife Geeta, the police has invoked Section 307 IPC without there being any opinion of the doctor. The counsel has referred to the MLR and the opinion given by the doctor on an application dated 12.12.2018 submitted by the Investigating Officer to the Medical Officer, Government Hospital, Jhajjar that injury No.1,

which is scratch mark on the neck, is simple and rest injuries No. 2, 3 and 4 are also simple in nature.

Counsel for the petitioner further submits that the co-accused, namely, Ompati, i.e. mother of the petitioner, has already been granted the anticipatory bail by the trial Court and the petitioner is in custody since 10.11.2018. The challan stands presented and the custodial interrogation of the petitioner is no more required.

Learned State counsel, on instructions from ASI Anil Kumar, submitted that on the basis of supplementary statement dated 2.11.2018, Section 307 IPC was invoked and subsequent thereto on 12.12.2018 Medical Officer has given the opinion that all the injuries were simple in nature.

Without commenting on the merits of the case, considering the submissions made by counsel for the petitioner, this petition is allowed and the petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

February 13, 2019
satish

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