

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

(I)

CRM-M-45041-2018
Date of Decision:31.01.2019

Rameshwar

.....Petitioner

Versus

State of Haryana

.....Respondent

(II)

CRM-M-45690-2018

Mukesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rakesh Nehra, Advocate
for the petitioners.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of Rameshwar and Mukesh aged 72 years and 38 years respectively seeking anticipatory bail in respect of case registered against them vide

FIR No.264 dated 21.07.2018 under Sections 307, 323 & 506/34 of Indian Penal Code, 1860, Police Station Line Badhra, District Charkhi Dadri

2. The FIR was lodged at the instance of Bijender Singh wherein it has been alleged that on the day of occurrence their neighbours Rameshwar, Satya Prakash and Om Parkash came to him and asked him as to why he does not compromise the matter, which is pending in the Court and when the complainant refused to accept to their proposal for compromise, they started quarreling with him. It is alleged that Rameshwar caught hold of his right hand of the complainant while Satya Parkash caught hold of his left hand. It is alleged that Rameshwar asked Om Parkash to give a blow with '*Jaily*' on the complainant's chest and pursuant thereto Om Parkash gave a blow with '*Jaily*' hitting the complainant on his chest with an intention to kill him. When the complainant raised alarm then his brother Jai Karan came running to the spot. It is alleged that in the meanwhile Kamla wife of accused Rameshwar armed with '*Kulhari*' and Mukesh wife of Satya Parkash armed with '*Darati*' also came running but upon seeing other people approaching towards the spot, they all ran away.
3. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case and that while the petitioner-Rameshwar is an aged man of 72 years, the petitioner-Mukesh is a lady. It has further been submitted that Rameshwar has been falsely implicated by alleging that he had held the complainant from his hand

- and that Mukesh in any manner is not attributed any injury.
4. Opposing the petitions, the learned State counsel has submitted that in view of nature and seriousness of the offences, no case for grant of bail is made out. It has been informed that challan had initially been filed against the accused Sataya Parkash, Kamla and Om Parkash on 08.10.2018 and that the matter is now fixed for 15.02.2019 for filing supplementary challan against the present petitioners/accused.
 5. Having considered rival contentions addressed before this Court and while also bearing in mind the age of the petitioner-Rameshwar and also that the petitioner-Mukesh is a lady and that investigation has already been completed, in my opinion, it is not a case where custodial interrogation is warranted. The petitions, as such are accepted and interim directions issued vide order dated 11.10.2018 passed in CRM-M-45041-2018 and order dated 15.10.2018 passed in CRM-M-45690-2018 are made absolute subject to the condition that the petitioners would appear before Investigating Officer 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.
 6. The petitions are accepted in the abovementioned terms.
 7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

31.01.2019

Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No