

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

Sr. No.201

**CRM-M-24744 of 2019
DECIDED ON: June 14, 2019**

NEELAM

..PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gurdeepinder Singh Dhillon, Advocate, for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Bhupinder Ghanghas, Advocate,
for respondent No.2.

SUDHIR MITTAL, J. (ORAL)

CRM-19170-2019

The applicant seeks addition of Section 326-B IPC in the head
note of the petition.

Notice of motion.

Mr. Bhupinder Ghanghas, Advocate as well as State counsel
accepts notice on behalf of respondents and have no objection in case the
application is allowed.

The application is accordingly allowed and Section 326(B) IPC
is permitted to be added.

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The petitioner namely Neelam w/o Anil seeks anticipatory bail
in FIR No.118, dated 02.05.2019 registered at Police Station City Dadri,

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District Charkhi Dadri, under Sections 148, 149, 323, 326-A, 326-B and 506 IPC.

According to the FIR, the petitioner, her husband and minor son went to the house of the complainant and attacked him. The petitioner was allegedly armed with a danda, which was utilized by her for inflicting injuries on the complainant.

The entire occurrence allegedly has been recorded in CCTV cameras installed in the house of the complainant.

Learned counsel for the petitioner submits that Section 326-A IPC & 326-B IPC are not attracted in the facts and circumstances of this case. The petitioner is alleged to have inflicted an injury with a danda only. In fact, she herself sustained a grievous injury in the incident as is evident from photographs (Annexure P-3) and medical documents (Annexure P-4). Thus, she is entitled to grant of anticipatory bail.

Learned State counsel on instructions from SI Subhash Chander, admits the fact that the petitioner has received injuries but states that no cross case has been registered till date. He further reiterates that the incident was captured in the CCTV cameras installed in the house of the complainant and the presence of the petitioner has been established. It is, however, not disputed that the petitioner is not alleged to have used the chilly powder or any other corrosive substance. He further submits that as per report obtained from the Ophthalmology Department of PGIMS, Rohtak, the complainant suffered a simple injury on account of chilly powder having been thrown by her husband.

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Learned counsel for the complainant supports the case set up by the learned State counsel, although, he does not admit the factum of the petitioner having received any injury.

In view of the fact that the petitioner is alleged to have inflicted a simple injury as well as the fact that the complainant suffered a simple injury in the eye, even on account of throwing of chilly powder by her husband and the fact that the petitioner has also sustained a grievous injury in the incident, I deem it appropriate to grant anticipatory bail to the petitioner.

Accordingly, the petition is allowed. It is directed that in the event of arrest of the petitioner, she shall be released on bail on her furnishing bail and surety bonds to the satisfaction of the Investigating Officer/SHO concerned subject to her compliance of conditions enshrined under Section 438(2) Cr.P.C. The petitioner shall join investigation at the first instance on 24.06.2019 at 10.00 a.m. and also as and when directed by the Investigating Officer and shall cooperate therewith.

June 14, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No