

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

CRM-M-26946-2019
Date of decision:26.8.2019

MOTI LAL AND OTHERS

....Petitioners

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sunil Sheoran, Advocate
for the petitioners No.1 and 3.

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

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners seek grant of anticipatory bail in respect of FIR No.273 dated 5.4.2019 under Sections 323, 341, 354-B, 506/34 of the Indian Penal Code, Police Station Bhiwani City, District Bhiwani. While petitioners No.2 and 4 have already been granted bail vide order dated 5.7.2019, the remaining two petitioners i.e. petitioner No.1-Moti Lal and petitioner No.3-Parmilla pray for grant of the same.
2. The FIR was lodged at the instance of Satish Kumar wherein it has been alleged that on 4.4.2019 when he was coming back from the market, then he was waylaid by Moti Lal his wife Parmilla, his daughter Deeksha and his son Akash. It is alleged that Moti Lal caught hold of the complainant from his neck and hurled filthy abuses. It is further alleged that Moti Lal started beating him and threw him down and gave kicks blows, fist blows

and also hit him with a rod. When the complainant raised alarm, his mother called his wife and who came to rescue him. It is alleged that the accused gave beatings to them as well. It is alleged that Deeksha threw down complainant's mother and sat on her and pressed her neck. In the meanwhile neighbours were attracted who saved the complainant and his mother. It is further alleged that Deeksha gave a blow with wooden plank towards complainant's head but when the complainant's wife tried to save him the same hit on the head of Akash. It is further the case of prosecution that subsequently the complainant made a supplementary statement to the effect that clothes of complainant's wife were torn by the accused.

3. Learned counsel for the petitioners submits that they have falsely been implicated in the present case and in any case it is a case of alleged simple injuries.
4. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioners are specifically named in the FIR and in fact Savita as well as the complainant Satish have sustained three injuries each although simple in nature, no case for grant of anticipatory bail is made out keeping in view the fact that an offence under Section 354-B IPC has also been added later on.
5. I have considered rival submissions addressed before this Court. Admittedly, it is a case of causing simple injuries. The allegations in respect of Section 354-B IPC were added later on, on the supplementary

statement made by the complainant. In any case, the petitioners are stated to have joined investigation. In my opinion, it is not a case warranting custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 5.7.2019 by this Court are hereby 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. 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

26.8.2019
Gaurav Sorot

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

Whether reportable? **Yes / No**