

CRM-M-28363-2019

Date of Decision : 30.08.2019

Mahinder Singh

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Amrik Singh Kalra, Advocate
for the petitioner.Mr. Baljinder Singh Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first anticipatory bail application filed by petitioner-Mahinder Singh under Section 438 Cr.P.C in a case bearing FIR No.267 dated 14.06.2019 filed under Sections 354(a), 354(b), 452, 506 and 34 of the Indian Penal Code registered at Police Station Butana, District Karnal.

The allegations against the accused/petitioner-Mahinder Singh have been levelled by the complainant, a married lady, who happens to be daughter-in-law of Kapoor Singh, brother of the

petitioner, alleging that on 13.06.2019, in the evening time while she was at her home, the accused/petitioner came in a drunken state and assaulted her and tore her clothes leading to the registration of the present case.

Learned counsel for the petitioner *inter alia* contends that both the petitioner and his brother, Mahinder Singh and Kapoor Singh, respectively, are fighting over the property left behind by their deceased father, Narain Singh, who had executed the Will (Annexure P-1) and is pending before the Tehsildar (Annexure P-3). Submitting that the present allegations have come about as a pressure tactics to concede to the demands of the estranged brother, namely, Kapoor Singh.

The learned State counsel, on instructions from ASI Abhey Ram, Police Station Butana, District Karnal, has conceded to the facts as to the dispute between the parties but has opposed the grant of bail on the ground of the heinousness of the offences.

Going through the submissions, it is well elicited from the records that there is ample evidence to establish the link between complainant, Kapoor Singh-brother of the petitioner and the fact that both the brothers are fighting over the property left behind by their deceased father.

In light of the same and the fact that it is conceded too at the bar by the learned State counsel that there is no medical evidence to corroborate the allegations of assault by the petitioner to

the complainant and that nothing is to be recovered from the present petitioner, the present petition is allowed. Petitioner would appear before the Investigating Officer within 15 days from today. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off.

30.08.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No