

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

205

**CRM-M-62172-2018.
Date of Decision: 15.05.2019.**

Sucha Ram and another

....Petitioners.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Ajay Jain, Advocate, for the petitioners.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Mr. Bipan Ghai, Senior Advocate, with
Mr. Deepanshu Mehta, Advocate, for the complainant.

Shekher Dhawan, J.

Present petition under Section 438 of the Code of Criminal Procedure (for short, 'Cr.P.C.') is for pre-arrest bail to petitioners, namely, Sucha Ram and Gian Chand, in case F.I.R. No.330 dated 28.11.2018, under Sections 452, 307, 506, 120-B of the Indian Penal Code (for short, 'IPC') read with Section 25, 54, 59 of the Arms Act, 1959, registered at Police Station Pinjore, District Panchkula.

2. Learned counsel for the petitioners contended that for the same allegations, civil suit is pending before learned Civil Judge (Junior Division), Kalka and another F.I.R. No.137 dated 28.04.2017 was lodged by Diwan Chand against the petitioners. The present F.I.R. has been registered just to create pressure upon the petitioners and their family members to settle for civil dispute. No injury was caused and no offence under Section 307 IPC is made out.

3. Learned State counsel contended that earlier proceedings under Section 145 Cr.P.C. were initiated. In the present case, Pinka had fired upon complainant party while entering their house and threatened to kill them in case civil suit regarding the land was not withdrawn. F.I.R. No.137 dated 28.04.2017 is relating to different allegations and the investigation of present case is still going on and the petitioners are required for the purpose of investigation, so the present petition for pre-arrest bail be dismissed.

4. Having considered the submissions made by learned counsel for the parties and appraisal of record of this Court, this Court is of the considered view that it is not disputed anywhere that relations between the parties were strained and civil litigation was going on. Earlier another F.I.R. No.137 was registered on 28.04.2017 under Sections 420, 467, 471, 120-B IPC, at Police Station Pinjore whereas the present F.I.R. was registered at the instance of Suman Devi wife of Sukhdev Singh and the alleged occurrence is of 28th November, 2018 at about 8:15 P.M. As per the complainant, she alongwith her sister-in-law (*Devrani*) were present in the house when someone knocked at the door and called her husband by name. Complainant opened the door and the assailant fired at her. The complainant fell down and bullet passed over her. The name of said assailant is Sardar, resident of Shiv Shakti Colony. The husband of the complainant, namely, Sukhdev, his brother Aman, *Devrani* Santosh and Sher Bahadur came out of the house and on seeing them, Pinka had fired three shots in the air and fled from the spot. As per complainant, said Pinka, on the asking of Gian and Sucha had threatened her and her family members to murder them and attempted to murder.

5. Considering the allegations in the present case and the nature of offence, the matter requires effective investigation and no case is made out for release of the petitioner on pre-arrest bail.

Resultantly, the present petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

15.05.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No