

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

**CRM-M No.53916-2018
Date of Decision:- 19.03.2019**

Mehmood and othersPetitioner

V/S
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Arjun Atri, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Balraj Gujjar, Advocate
for the complainant.

HARINDER SINGH SIDHU J.

This is a petition for grant of anticipatory bail to the petitioners in case FIR No.410 dated 10.11.2018, registered at Police Station Ferozepur Jhirka, District Nuh for the offences punishable under Sections 148, 149, 323, 452, 506 IPC.

FIR was lodged on the statement of Tahir Hussain with the allegations that he has cultivated mustard crop in his fields. On 03.11.2018, when he was present in his fields then Mehmood (petitioner No.1) passed his tractor through his cultivated mustard crop. The complainant objected to the same, Mehmood carried the grudge against the complainant. Mehmood along with Jahul Haq (petitioner No.3), Mashuk, Kale Khan and Sahidan all residents of Khedla Kalan, entered into the house of the complainant. They were carrying Lathis, Dandas and stones in their hands. They started hurling abuses. Jahul Haq (petitioner No.3) gave a lathi blow on the back of Rihana wife of the complainant. Kale Khan also gave a lathi blow to Rihana. Mehmood gave a lathi blow on the temple of the mother of the complainant due to which she fell

down. All accused persons then struck the mother and the wife of the complainant.

Vide order dated 05.12.2018, the petitioners were directed to be released on interim bail subject to their joining investigation.

Learned State counsel on instructions from HC Raj Kumar, states that petitioners have joined the investigation. However, they are not cooperating.

Learned counsel for the complainant states that petitioner No.1 Mehmood caused injuries with the lathi on the temple of the mother of the complainant, who is 70 years old. Her MLR indicates that there was massive swelling on the left side of face. X-ray was advised.

In view of the nature of the injuries inflicted by petitioner No.1 to the mother of the complainant who is 70 years, no ground for grant of anticipatory bail to petitioner No.1-Mehmood is made out. The petition qua petitioner No.1 is dismissed.

However, the petition is allowed qua petitioners No.2 and 3. The order dated 05.12.2018, granting interim anticipatory bail to petitioners No.2 and 3, is made absolute. However, the petitioners No.2 and 3 shall join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

(HARINDER SINGH SIDHU)
JUDGE

19.03.2019

Atul

Whether speaking/reasoned
Whether reportable

Yes
Yes/No