

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

203

CRM-M-12947-2020(O&M)
Date of Order:29.10.2020

KAUSHLYA AND ORS

..Petitioners

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

Mr. Deepak Kumar, Advocate
for the first informant.

ANIL KSHETARPAL, J(Oral)

On 30.09.2020, the following order was passed:-

“On 27.05.2020, the following order was passed by this Court:-

“The learned counsel for the petitioners contends that it is a case of dispute amongst members of the same family and that, in any case, it is the co-accused Sunder, who has been attributed blows with an axe on the left hand of the complainant, who happens to be father of said Sunder (nonapplicant) and petitioner No.3-Ashok. It has been submitted that petitioner Nos.1 and 2, who are ladies, are daughters-in-law of the complainant. Notice of motion for 30.9.2020.

On asking of the Court, Mr. Deepak Sabherwal, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Meanwhile, in the event of arrest, petitioners No.1 and 2 namely Kaushlya and Urmila, be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, petitioners No.1 and 2 shall join the investigation 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.”

Learned counsel for the State, on instructions from SI Balwan Singh, has submitted that petitioner No.1 and 2 have already joined the investigation, cooperated and not required for further custodial interrogation.

Learned counsel for the petitioners pray that petitioner No.3 also deserves the concession of pre-arrest bail. It may be noted here that petitioner No.3 is wanted in FIR No.101 dated 17.04.2020 registered under Sections 323, 324, 34 and 506 of the Indian Penal Code, 1860 at Police Station Agroha, District Hisar.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Hisar, in para 3 of its order dated 18.05.2020, which is extracted as under:-

“3. Prosecution case is that on 16.04.2020, at about 3.30 p.m., complainant Ram Chander alongwith his wife Maina and Sakila w/o Gulshan was present in the Dhani. His sons namely Sunder Singh and Ashok Kumar and their wives Urmila and Kaushalya respectively came there. Sunder Singh was carrying gandasi in his hand. His sons threatened to teach him a lesson for not transferring the entire land in their names. Thereafter Sunder Singh hit him with gandai on his left hand. Ashok Kumar, Urmila and Kaushalya gave him slaps and fist blows. When his wife Meena and Sakila tried to rescue him, they were also beaten up by Urmila and Kaushalya. On raising noise, neighbours gathered at the spot. Seeing them assailants fled away. While leaving the spot they extended threat to kill him. On the basis of statement of complainant, present FIR was registered.”

Learned counsel for petitioner No.3 contends that the petitioner was unarmed and is alleged to have given kicks blows on the hips of his father. The dispute appears to be between the family members with respect to property of the family .

Keeping in view the aforesaid facts while confirming the prearrest bail to petitioner No.1 and 2, petitioner No.3 is directed to join the investigation.

Adjourned to 29.10.2020.

In the meantime, in the event of arrest, petitioner No.3 shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, petitioner No.3 shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Mr. Chetan Sharma, Assistant Advocate General, Haryana, on

instructions from SI Balwan Singh, has submitted that petitioner No.3, in

this case, has joined the investigation, cooperated and is not required for further custodial interrogation.

Keeping in view the statement made by Sh. Chetan Sharma, Assistant Advocate General, Haryana, the interim order dated 30.09.2020, passed by this Court is made absolute qua petitioners also.

Accordingly, the present petition is allowed.

October 29, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No