

203

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16649 of 2020 (O&M)

Date of Decision: 09.07.2020

AMARJEET @ MONU AND ORS

.....Petitioners

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashit Malik, Advocate
for the petitioners.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioners seek grant of anticipatory bail in case bearing FIR No.215 dated 22.05.2020, registered under Sections 148, 149, 323, 452, 506 IPC registered at Police Station Kharkhoda, District Sonapat.

FIR was lodged by the complainant Akash with the allegations that on 21.05.2020 Ravi son of Kamlesh of village Pipli came to his house screaming like *mar-diya*. Complainant was in his room and he bolted the door. The assailants knocked the door and broke opened the same. The complainant saw Ram Parkash @ Dheela and petitioners No.1 and 2 (nephew of

Ram Parkash @ Dheela) duly armed with iron rods in their hands. Manjit and petitioner No.3 also came there. When the complainant tried to rescue Ravi, then they inflicted lathi blows on the head of the complainant. The lathi blow was inflicted by Ram Parkash @ Dheela. On hearing noises, father of the complainant came there and found the accused abusing the complainant. Complainant ran away to call his paternal uncle. The paternal uncle came there with licensed weapon for the defence of the complainant. The accused party fled away from the spot.

Evidently, one blow was inflicted by Ram Parkash on the head of the complainant which ultimately found to be simple in nature. No overt act has been attributed to the petitioners except the allegation that they entered the house of the complainant. Petitioners are in the age group of 15-25 years. Petitioner No.2 is a minor and is student of 10+2.

There is some previous enmity between the parties. Ram Niwas brother of Ram Parkash is facing trial under Section 302 IPC for committing murder of nephew of the complainant. Ram Parkash had already made a complaint to the SHO, Police Station Kharkhoda against the complainant and his companions on 19.05.2020 for having attacked his house. The present FIR has been lodged on 22.05.2020.

The allegations in terms of Section 452 IPC would be debatable, which is only a non-bailable offence in the present case.

Learned State counsel on instructions from the Investigating Officer could not refute the factual position of the case, however he stated that the complicity of the petitioners in terms of house trespass is *prima facie* established.

At this stage without meaning anything on merits of the case, it would be appropriate to direct the petitioners to appear before the SHO/Investigating Officer to join investigation on 15.07.2020 and in the event of their arrest, they shall be released on bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

iii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passport, if any.

Petition stands disposed of.

July 09, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No