

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

**209**

**CRM-M-20081-2020**

Surender

... Petitioner

Versus

State of Haryana

... Respondent

(2)

**CRM-M-20769-2020**

Suresh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

**Decided on : 29.09.2020**

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**

Present: Mr. Gaurav Gogna, Advocate for the petitioner (s).

Mr. Anant Kataria, DAG, Haryana.

(The proceedings are being conducted through  
video conferencing, as per instructions.)

**G.S. Sandhawal, J. (Oral)**

The present order shall dispose off two petitions i.e. **CRM-M-20081-2020 & CRM-M-20769-2020**, as the FIR is common in both cases.

The petitions have been filed under Section 438 Cr.P.C., seeking grant of anticipatory bail in case FIR No.247 dated 04.07.2020 under Sections 120-B, 506 IPC registered at Police Station Pundri, District Kaithal.

On 23.07.2020 and 29.07.2020 the petitioners in CRM-M-20081-2020 and CRM-M-20769-2020, respectively, were directed to join investigation. The order dated 23.07.2020 passed in CRM-M-20081-2020 reads as under:-

“Through this petition under Section 438 Cr.P.C. Prayer has been made for grant of anticipatory bail to the petitioner Surrender— in case FIR No.247 dated 04.07.2020 registered under Sections 120-B, 506 IPC at Police Station Pundri, District Kaithal.

According to prosecution, petitioner, hatching a conspiracy with his accomplice Suresh and Sonu intended to murder issueless complainant to grab his property. Earlier also, petitioner attacked the complainant, but with intervention of the Panchayat matter was compromised. With this intention, petitioner hired his accomplice Sonu on payment of `6,00,000/- to kill the complainant. On interrogation, accomplice of the petitioner, Sonu, executed an affidavit in this regard.

Learned counsel *inter alia* contends that complainant had illicit relations with wife of the petitioner, on account of which complainant wanted to get rid of his own wife, Sarita by administering her poison. For making this effort, FIR No.237 dated 02.07.2017 under Sections 323, 328, 498A, 307 and 34 IPC was registered against complainant and wife of the petitioner. However, some compromise was effected between the parties, on account of which complainant and wife of the petitioner were acquitted by the Court vide judgment dated 22.07.2019. Thereafter, relations of petitioner with his wife became estranged. Consequently, petitioner filed a divorce petition against his wife, which is pending adjudication in Family Court, Kaithal. On 24.06.2020, petitioner filed a complaint against his wife for not permitting him to harvest his crop. Complainant has lodged instant FIR on the basis of hearsay evidence.

Notice of motion for 29.09.2020.

Mr. Munish Sharma, AAG, Haryana, accepts notice on behalf of the State.

Meanwhile, petitioner is directed to join the investigation and remain present as and when called for by the Investigating Officer. In the event of arrest, petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

The complainant in the present case is Subhash, the brother of the petitioners.

Counsel for the State on instructions received from HC Rajesh Kumar, submits that the petitioner have joined investigation.

A perusal of the the above order would go on to show that it is a family dispute as such *inter se* the brothers and, therefore, custodial interrogation of the petitioners would not be required.

Accordingly, in view of the above, the orders dated 23.07.2020 and 29.07.2020 are confirmed and petitions stand disposed of.

**SEPTEMBER 29, 2020**  
*Naveen*

**(G.S. SANDHAWALIA)**  
**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No