

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M No. 22187 of 2020 (O&M)
Date of decision : August 10, 2020

Mohanlal and another

....Petitioners

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. S.K. Verma, Advocate, for the petitioners

Mr. Baljinder Virk, DAG Haryana for the State

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Notice of motion.

Mr. Baljinder Virk, DAG Haryana accepts notice and puts in appearance on behalf of the State.

Petitioners Mohanlal and his son Rakesh have come up in this first anticipatory bail under Section 438 Cr.P.C. in case FIR No. 151 dated 14.7.2020, under Sections 323, 324, 325, 452, 506, 34 IPC, Police Station Nathusari Chopta, District Sirsa, got registered

by Krishna Kumar brother of petitioner Mohanlal.

The allegations in brief are that the petitioners and the complainant were residing in the same very building in different rooms and a dispute arose between them over payment of electricity bill. As a consequence of this, it is alleged that accused-petitioner Mohanlal armed with a danda and his son accused-petitioner Rakesh armed with an axe assaulted the complainant. A single injury on the leg alleged to be by means of axe has been opined to be under section 325 IPC.

Learned counsel for the petitioners inter-alia contends that only simple injuries have been attributed. There is manipulation by the complainant regarding nature of the injury and that it was simplicitor family feud, entitling the petitioners to bail.

Learned State counsel though does not displace the facts but has opposed the bail on the grounds that offence under Section 325 IPC has been attributed to Rakesh petitioner and therefore, custodial interrogation is essential.

Going through the submissions, it is a small dispute over payment of electricity bill. The parties are close relatives and only a single injury that too by blunt means is alleged to be on non-vital part of the complainant. It would be traversity of justice to send the

petitioners behind the bars and it is a fit case to grant bail.

In view of the aforesaid, the present petition is allowed.

In the event of arrest, the petitioners shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioners are directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

August 10, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No