

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

CRM-M-26125-2020 (O&M)

Date of decision: 28.10.2020

Omwati and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

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

Mr. Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioners Omwati and Murti, both of them being accused in FIR No.598 dated 11.11.2019, for offences under Sections 323, 324, 506 IPC (Sections 326 and 201 IPC added and Sections 148 and 149 deleted later on), registered with Police Station Hodal, District Palwal.

Briefly stated facts of the case as per prosecution story are that on 10.11.2019 at about 04.45 AM, while complainant Ram Karan @ Kullu son of Bali along with his wife Sona and daughter in-law Babli was present in his house situated at Village Tihab Patti, Tehsil Hodal, District Palwal, on hearing knock on the door of his house, he had opened the door; then his neighbours Netarpal, Babu, Hukam sons of Puran, Lekhraj, Chaman, Khempal, Manoj sons of Hukam, Omwati wife of

Hukam-petitioner No.1, Murti wife of Netarpal-petitioner No.2 along with 7/8 persons were found to be standing there; Chaman having a pharsa pushed the complainant and forcibly entered his house, closing the door of the house from inside; he started abusing the complainant; according to the complainant, he is a handicapped person; Lekhraj had given a pharsa blow on the neck of his wife Sona who in order to save herself had raised her own thumb of left hand, which got amputated; the other assailants having lathis, dandas, axes also attacked upon Sona wife and Babli daughter in-law of the complainant, causing injuries to them; on hue and cry being raised by complainant's side when several persons started gathering, the assailants ran away from the spot along with their weapons giving threats of elimination to the complainant and his family members; the injured were hospitalized; on the basis of written complaint submitted by the complainant, formal FIR was registered and investigation in the case started.

Apprehending their arrest in this case, the petitioners had filed a petition for grant of pre-arrest bail before the Court of Sessions at Palwal, which was assigned to Addl. Sessions Judge, Pawal, who vide order dated 20.08.2020, dismissed the same. Therefore, they have knocked at the door of this Court, praying for grant of similar relief, by filing the present petition, notice of which was given to the State counsel, who has put in appearance.

I have heard learned counsel for the parties besides going through the record.

At the very outset, it may be mentioned here that no specific

injury has been attributed to any of the petitioners. When the instant petition came up for hearing on 04.09.2020, interim bail was granted to the petitioners with a direction to join the investigation. They have accordingly done so as informed by counsel for the petitioners and conceded by learned State counsel. Learned State counsel on instructions from HC Bhim Singh has stated that no recovery has been effected from the petitioners and for the reason of their having joined the investigation, their custodial interrogation is not required.

Thus keeping in view the totality of circumstances, the statement made by learned State counsel, I find that the petition deserves to be accepted. The same is accordingly allowed. The interim bail granted to the petitioners, vide order dated 04.09.2020 is made absolute, subject to the following conditions:-

- 1.That the petitioners shall make themselves available for investigation by a police officer as and when required;
- 2.That they 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 and;
- 3.That they shall not leave India without prior permission of the Court.
- 4.They shall surrender their passports before the Investigating Officer and if they are not having passports, then, shall file the affidavits in that regard.

In case, the petitioners violate any terms & conditions, on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

28.10.2020
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No