

CRM-M No.30220 of 2020 (O&M)
Date of Decision : 29.09.2020

Sarjeet and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGHPresent : Mr. Kamal Chaudhary, Advocate
for the petitioners.

Mr. B.S. Virk, DAG, Haryana.

FATEH DEEP SINGH, J (ORAL)

The petitioners-Sarjeet, Bittu, Sharvan Kumar and Pawan Kumar have all come up in this first anticipatory bail under Section 438 Cr.P.C in case FIR No.161, dated 22.09.2020, under Sections 323, 325, 506 and 34 IPC, 1860 registered at Police Station Tigaon, District Faridabad, Haryana.

The present case was got registered on the statement of Ranbir-injured. In his complaint, the complainant alleges that on 17th September, 2020, while he along with his son had gone to the house of the in-laws of his daughter to pick her up, her husband Bittu refused to send her back. A quarrel ensued and hearing which the accused came with lathis and knife and assaulted the complainant. As a consequence of which, fifth metacarpal of left hand of the complainant was got fractured.

Learned counsel for the petitioners *inter alia* contends that there is only one injury and that too on non-vital part of the body and that nothing has to be recovered and there is no specific role attributed to any of the petitioners.

Learned State counsel has strongly opposed the bail on the grounds that there is a fracture on the left hand of the complainant and, therefore, custodial interrogation is very much essential to recover the weapon.

Be so as it may, there is no specific role attributed to any of the accused-petitioners in the commission of offence. The lone injury which is blunt is on non vital part of the left hand, together with the fact that it is a pure matrimonial dispute and sending the petitioners behind the bars would be travesty of justice. Their joining the investigation would suffice the purpose.

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 petitioner is directed to

join the investigation within 15 days from the receipt of certified copy of this order.

(FATEH DEEP SINGH)
JUDGE

29.09.2020
Manpreet

Whether speaking/reasoned	Yes
Whether reportable	No