

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

CRM-M-35515-2020
Date of decision: 15.12.2020

Bijender Pratap and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Akash Vashisth, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.514 dated 29.09.2020, registered under Sections 148, 149, 323, 427, 452, 354, 506, 379-B of the IPC; Section 25 of the Arms Act and Section 12 of the Protection of Children from Sexual Offences Act, 2012 at Police Station City Ballabgarh, Faridabad, District Faridabad.

The operative part of the order dated 06.11.2020, vide which the petitioners have been granted interim bail, is reproduced below:

“On 03.11.2020, both the parties were directed to hand over the Pen-drive/Video CDs of the incident to the Assistant Commissioner of Police, Ballabgarh, Faridabad.

Counsel for the State along with Mr. Jaiveer Rathee, Assistant Commissioner of Police, Ballabgarh, Faridabad, has attended the Court proceedings through video conferencing.

Counsel for the petitioners has submitted that as per

the allegations in the FIR, registered at the instance of Parveen Solanki, it is stated that his daughter aged about 05 years was shown an obscene video clipping on the mobile phone by the co-accused Raju Pujari @ Raj Kumar. This incident was narrated to the wife of the complainant by his daughter and the matter was sorted out as the family members of Raju Pujari @ Raj Kumar had apologized. It is further stated that two days, thereafter, on 28.09.2020 at around 09:30 PM, the accused persons came armed with rods, sticks, etc. and attacked upon the complainant party and misbehaved with the lady members.

Counsel for the petitioners has further submitted that the incident has occurred on the street and even from the petitioners' side, petitioner No.7 – Narender Pratap has suffered the injuries with a sharp edged weapon whereas 05 other members of the petitioners suffered simple injuries and 02 persons from the complainant side, suffered simple injuries as the fight occurred due to the aggravation of the verbal spat. It is also submitted that petitioner No.1 – Bijender Pratap is a senior citizen aged 72 years and was not even seen in the CCTV footage and on account of the earlier incident, the entire family has been dragged.

Counsel for the State assisted by the Assistant Commissioner of Police, Ballabgarh, Faridabad, has submitted that on verification of the video CDs/Pen-drive, provided by the parties, the petitioners side was seen as aggressor party whereas the fight has taken place on the street.

Counsel for the State has not disputed that 05 persons from the side of the petitioners, have suffered simple injuries whereas one person i.e. petitioner No.7 – Narender suffered injuries with a sharp edged weapon and in this regard, one DDR No.31 dated 29.09.2020, as a

cross-version was also registered on 29.09.2020 at 02:15 AM.

Counsel for the State has further argued that the main accused Raju Pujari @ Raj Kumar has not been arrested so far.

Counsel for the complainant has opposed the prayer for bail on the ground that Raju Pujari has committed an offence by showing an obscene video clipping to the child, who has supported the same as per her statement under Section 164 Cr.P.C., recorded by the Illaqa Magistrate and he is evading his arrest.

Counsel for the complainant has further argued that in fact, it is the petitioners' side, which has openly attacked the complainant party.

In reply, counsel for the petitioners has argued that he has the instructions to say that the co-accused Raju Pujari will surrender before the Investigating Officer today itself i.e. 06.11.2020 within 04 hours i.e. upto 03:00 PM.

After hearing the counsel for the parties and considering the fact that the main incident pertain to showing an obscene video clipping by Raju Pujari, which led to aggravation between the parties and a free fight on the street, I deem it appropriate to grant interim bail to the petitioners.

List again on 15.12.2020.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 06.11.2020, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Badri Prasad, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 06.11.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

15.12.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>