

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

CRM-M-43573-2019

Date of Decision:- 13.2.2020

MONIKA SHARMA AND ANR

... Petitioners

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vipul Joshi, Advocate
for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana
assisted by SI Subhash.

GURVINDER SINGH GILL, J.

1. The petitioners have approached this Court seeking grant of anticipatory bail in a case registered against them vide FIR No.230 dated 8.8.2019 under Sections 323, 324, 34 & 506 IPC at Police Station Chhapar, District Yamuna Nagar.
2. The FIR in question was lodged at the instance of Kulwinder @ Kavi wherein it had been alleged that on 7.8.2019 when he was returning from his uncle's house, then a fight took place between Rajesh and Dhananjay's family, wherein Dhananjay's sons were abusing Shivam. It is alleged that Rajesh was carrying sword, his wife Monika was carrying 'Gandasi' and his son Rupam was holding a knife in his hand while the girls were carrying sticks. When the complainant tried to intervene, then Rajesh issued threat warning him not to do so, failing which he would be

killed. While the complainant was trying to intervene, Rajesh caused an injury with sword on the left side of his head and also on his hand. Monika is stated to have caused injury on the left side of his waist. Rupam also attacked him with his knife while girls also attacked him with sticks. However, when he raised alarm, some persons from the neighbourhood were attracted to the spot upon which the accused went away from the spot while issuing threats to kill him.

3. Learned counsel for the petitioners has submitted that a false FIR has been lodged, inasmuch as it is a case where the accused themselves have sustained injuries. Learned counsel in this regard has drawn the attention of this Court to the MLR of Rajesh Sharma indicating that he sustained two injuries in the nature of abrasions; MLR of Nischal Sharma daughter of complainant, who had also sustained two injuries; and MLR of Rupam who was found to have sustained one incised wound.
4. Opposing the petition, learned State counsel has submitted that since the petitioners are specifically named in the FIR, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that three persons from the side of accused also sustained injuries, it would certainly be debatable as to which party was aggressor. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 11.10.2019 are hereby made absolute subject to the condition that the petitioners shall continue to appear before the Investigating Officer as and when called upon to do so and shall also

(3)

CRM-M-43573-2019

abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

13.2.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**