

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

CRM-M-2455 of 2021
DATE OF DECISION :- March 09, 2021

Pardeep

...Petitioner

Versus

State of Haryana and another

...Respondents

CRM-M-7327 of 2021

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Ajay Vijarana, Advocate for the petitioner
in CRM-M-2455 of 2021.

Mr. Jagbir Singh, Advocate for the petitioner
in CRM-M-7327 of 2021.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Akshay Verma, Advocate for the complainant.

The case has been taken up through Video Conferencing.

My this order shall dispose of two petitions for grant of pre-arrest
bail bearing CRM-M-2455 of 2021 filed by Pardeep and CRM-M-7327 of
2021 filed by Sandeep, both of them accused in F.I.R. No. 0324 dated
21.12.2020 for offences under Sections 323, 34, 452, 506 IPC registered with

Police station Badhra, District Charkhi Dadri.

Briefly stated the facts of the case as per prosecution story are that complainant Savita, who was married with petitioner accused Pardeep had a matrimonial dispute with him and she started residing with her parents at Village Kanhra. On 20.12.2020 at about 6.15 P.M., while complainant was doing house hold work, in the meantime, a Balero vehicle bearing registration No. RJ18UA/8346 came and stopped in front of her parental house. Petitioner accused Pardeep, his elder brother Sandeep and younger brother Kuldeep alighted from the said vehicle and forcibly entered the house. They started hurling abuses upon the complainant. When complainant proceeded then Pardeep started giving beatings to her. Rajender, father of complainant injured asked from the accused as to why they were beating up the complainant. Banty, Priti and Kavita present there tried to intervene but accused assailants gave slaps and fist blows to them also. Sandeep had given rod blows on the leg and shoulder of the complainant. On hearing noises, Surender son of Ram Kishan came to the spot. On seeing that accused persons hit their vehicle against Surender. Surender raised alarm which attracted persons from neighborhood. Thereafter the accused assailants ran away from the spot after giving threats to kill the complainant and his family members in future. The injured were moved to the hospital. They were medically treated and medico legally examined.

On the incident being reported to the police, formal F.I.R in the matter was recorded. The investigation in the case started. Petitioner accused Pardeep and Sandeep had approached the Court of Sessions at Charkhi Dadri seeking pre-arrest bail. Their application, which was assigned to

Additional Sessions Judge, Charkhi Dadri was however, dismissed vide order dated 8.1.2021. Feeling aggrieved, they have knocked the door of this Court craving for grant of similar relief. Notice of such petitions was given to the State and learned State counsel is vehemently contesting such petitions.

I have learned counsel for the petitioners, learned counsel for the complainant and learned State counsel besides going through the record.

Learned counsel for the petitioners has contended that F.I.R is the result of matrimonial dispute between complainant Savita and petitioner accused Pardeep. Sandeep, real brother of Pardeep is married with Kavita, real sister of Savita; both the accused have since joined the investigation; as per directions issued to them by this Court and have been granted interim bail, the interim bail granted to them be made absolute. Whereas, learned State counsel on instructions from HC Amit Kumar has though admitted that both the petitioners have joined the investigation contending that Pardeep is not required by the investigating agency for custodial interrogation and he does not have any past criminal record, whereas with regard to Sandeep, he has submitted that Sandeep is a habitual criminal, inasmuch as he is involved in nine other criminal cases. The details of which are as under :-

1. F.I.R No. 137/2017 under Sections 323, 447 IPC registered with Police Station Surajgargh.
2. F.I.R No. 76/2015 under Sections 420, 467, 468, 471, 120B IPC registered with Police Station Surajgargh.
3. F.I.R No. 69/2013 under Sections 323, 452 and 379 IPC registered with Police Station Surajgargh.
4. F.I.R No. 107/2008 under Sections 323, 341 IPC registered with Police Station Surajgargh.
5. F.I.R No. 222/2008 under Sections 323, 341 IPC registered with Police Station Surajgargh.
6. F.I.R No. 141/2008 under Sections 323, 341, 447, 34 IPC

registered with Police Station Surajgargh.

7. F.I.R No. 77/2008 under Sections 420, 467, 468, 471, 120B IPC registered with Police Station Surajgargh.
8. F.I.R No. 224/17 under Sections 279/337/338 IPC and MV Act registered with Police Station Surajgargh.
9. F.I.R No. 34/2021 under Sections 341, 323, 325, 427 IPC registered with Police Station Surajgargh.

Pre-arrest bail is a discretionary equitable relief which is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from arrest and custodial interrogation. As far as petitioner Pardeep is concerned, the petition filed by him bearing CRM-M-2455 of 2021 deserves to be accepted, the same is allowed. The the interim bail granted to him on 19.1.2021 is made absolute, subject to the following conditions :-

- (i) he shall join the investigation as and when so directed.
- (ii) he shall appear in the Court on each and every date of hearing.
- (iii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iv) he shall not leave India without prior permission of the Court.
- (v) he shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

Whereas, with regard to petitioner Sandeep, who is having a long criminal record involved in nine other criminal cases under various provisions of Indian Penal Code and though he has been sentenced to pay

fine in two cases and acquitted in two cases and the remaining cases are undertrial/investigation, it would not be proper and appropriate to grant pre-arrest bail to such a person since there is every likelihood of his absconding and then tampering with the prosecution evidence, if granted such concession, therefore, petition filed by Sandeep bearing CRM-M-7327 of 2021 stands dismissed.

(H.S. MADAAN)
JUDGE

March 09, 2021
p.singh

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