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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.3835 of 2021 (O&M)

Date of decision: 29.01.2021

Virender and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.P. Sangwan, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. AG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.0166 dated 04.08.2020 registered under Sections 323, 324, 34, 342, 427 IPC (Sections 326 and 307 IPC added later) at Police Station Loharu, District Bhiwani.

Counsel for the petitioners has argued that as per the allegations in the FIR, registered at the instance of the complainant Tinu Kumar, he was going in a car along with others and around 12:00 PM, his car broke down and he tried to call one Ramesh, however, he did not come and in the meantime, the accused persons came out of their house and started objecting as to why the complainant is abusing in front of their house and in that process, the accused persons caused injuries and dragged him inside their house and a golden chain was snatched.

Counsel for the petitioners has further submitted that in fact, this FIR is a counter-blast to an earlier FIR No.161 dated

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31.07.2020 registered at the instance of the brother of the petitioner Virender that at night when he, his wife and a minor son were sleeping, some persons entered their house and started beating them. It is further submitted that the present FIR has been registered after a gap of about 04 days without there being any explanation of delay and in the later part of the FIR, even the Investigating Officer has raised a suspicion about the statement made by the complainant as it is stated that during verification, it was found that the complainant Tinu Kumar was not known to the accused and there is no evidence of snatching of the chain from the neck of the complainant.

Counsel for the petitioners has also submitted that the version given by the petitioners in the first FIR No.161 dated 31.07.2020, got registered against the complainant party is the correct version that the complainant and others forcibly entered the house of the brother of the petitioner and caused him injuries at night. It is further argued that one of the co-accused of the petitioners namely Ravinder Kumar has been granted the concession of anticipatory bail vide order dated 08.12.2020 passed in CRM-M No.35520 of 2020.

Counsel for the State has, however, opposed the prayer for bail on the ground that as per the MLR, the victim was found having injuries.

In reply, counsel for the petitioners submit that the injuries, if any, on the body of the complainant were on account of the self-defence as per the version given in the FIR No.161 dated 31.07.2020 as it is the complainant party, which has forcibly entered the house of the petitioners' brother.

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After hearing the counsel for the parties and considering the submissions made hereinbefore, I find merit in the present petition and accordingly, the same is allowed and the petitioners are directed to appear before the Investigating Officer within a period of 10 days to join the investigation and they shall be released on interim bail on furnishing bail/surety bonds subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

29.01.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No