

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

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|---------------------------------|------------------------|----------------|
| (1) | CRM-M-14814-2021 (O&M) | |
| Soni and others | | ...Petitioners |
| | Versus | |
| State of Haryana | | ...Respondent |
| | | |
| (2) | CRM-M-14853-2021 (O&M) | |
| Raj Kumar and others | | ...Petitioners |
| | Versus | |
| State of Haryana | | ...Respondent |
| | | |
| (3) | CRM-M-24658-2021 (O&M) | |
| Narescho Devi and others | | ...Petitioners |
| | Versus | |
| State of Haryana | | ...Respondent |
| | | |
| (4) | CRM-M-23340-2021 (O&M) | |
| Sanjay Kumar @ Rinku and others | | ...Petitioners |
| | Versus | |
| State of Haryana | | ...Respondent |

Date of decision: 12.07.2021

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

Present: Mr. Krishan Singh, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. J.S. Brar, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

By this order, the aforementioned petitions for grant of pre-arrest bail are decided being arising out of the same FIR i.e. FIR No.46 dated 28.02.2021, for offences under Sections 147, 148, 323, 341, 452, 506 IPC (Section 307 IPC added later on), registered with Police Station Sadhaura, District Yamuna Nagar.

Briefly stated the facts of the case as per prosecution story are that, on 27.02.2021, Gurmeet Singh along with his wife Kajal had gone to Ravidas Temple situated in Village Safilpur, Police Station Sadhaura for offering prayers; at about 2.10 PM, they were attacked by Raj Kumar and Suraj, however, the matter was pacified; after sometime, Raj Kumar, Rahul @ Suraj, Rinku, Soni, Gaurav, Bindu, Vicky, Shunty, Jaipal, Shish Ram, Raman, Vishal, Sapna, Satya, Naresho, Vikas, Rohit and Rinchu armed with dandas, bindas along with 8-10 other persons in prosecution of their common object trespassed in the house of Gurmeet and attacked Jaswant, Kiranpal, Manish Kumar, Bali Ram, Gurmeet, Kajal and Ram Karan with their respective weapons; Vishal had given a danda blow on right hand of complainant Rajinder Kumar; Naresho gave a danda blow to Rajinder Kumar on his head; Rinku, Gaurav and Bittu caused injuries to Manish with dandas; Raj Kumar, Suraj @ Rahul, Soni and Shunty inflicted injuries upon Gurmeet with dandas; Ranchu and Jaipal caused injuries to Kiran Pal; Rohit and Shish gave danda blows to Jaswant, whereas, Raman and Suraj @ Rahul gave danda blows to Bali Ram; Raj Kumar, Sapna and Satya caused injuries to Kajal; Gaurav,

Shish pAL and Shunty caused injuries to Ram Karan by giving leg and fist blows; thereafter, several people gathered at the spot and they rescued the victims from the assailants; while leaving the spot, the assailants threatened to kill the persons from complainant side; while the injured/victims were going to hospital for treatment, the assailants/accused restrained them from doing so by throwing brick bats on them; the motive for the incident was that Gurmeet Singh, cousin brother of complainant had performed love marriage with Kajal, resident of the same village on 09.09.2019, which left the accused/assailants, who are family members and relatives of Kajal, aggrieved and for that reason, they had carried out the attack; on matter being reported to the police, formal FIR in the matter was recorded and investigation in the case started; injury No.1, which is a head injury on the person of Kiranpal has been opined as injury, which could be dangerous to life; Jaipal and Ranchu, to whom such injury has been attributed, have since been arrested, whereas, the remaining assailants/accused apprehending their arrest in this case, had approached the Court of Sessions at Yamuna Nagar at Jagadhri by filing applications for grant of pre-arrest bail. However, their such applications were dismissed. Feeling aggrieved, they have approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel and counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

Admittedly, the injuries attributed to all the petitioners are

simple in nature. Jaipal and Ranchu, to whom injury No.1 on the person of Kiranpal, which was on head and as per medical opinion could be dangerous to life, have already been arrested in this case.

Ld. State counsel, on instructions from ASI Jagdeep Singh has stated that the petitioners have since joined the investigation and no further recovery is to be effected from any of the petitioners.

Though, learned counsel for the complainant has opposed the petitions for grant of pre-arrest bail, stating that petitioners had attacked Gurmeet Singh and Kajal and relatives of Gurmeet Singh, only for the reason that they had performed a love marriage against wishes of their family members, therefore, they are not entitled to grant of pre-arrest bail.

However, keeping in view the fact that the petitioners have already joined the investigation and in terms of the statement made by State counsel, no further recovery is to be effected from them, as such, their custodial interrogation is not found to be necessary.

Under the circumstances, I find it proper and appropriate to allow the petitions for grant of pre-arrest bail. The same are accordingly allowed. The interim bail granted to the petitioners in CRM-M-14814 and 14853 of 2021, vide order dated 05.04.2021 and to the petitioners in CRM-M-24658-2021, by virtue of order dated 01.07.2021 and to the petitioners in CRM-M-23340-2021, vide order dated 17.06.2021, are made absolute, subject to the following conditions:-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from

- disclosing such facts to the Court or to any police officer and;
3. that they shall not leave India without prior permission of the Court.
4. that they shall surrender their passports before the Investigating Officer and if they are not having passport, then, shall file the affidavits in that regard.

In case, the petitioners violate any terms & conditions, on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

12.07.2021
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(H.S. MADAAN)
JUDGE

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