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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31413-2021
Date of Decision:06.08.2021

JYOTI

.....Petitioner

Vs

RAJ KUMAR AND OTHERS

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr.Narender Kaajla, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks cancellation of anticipatory bail granted to respondents No.1 and 2 in case bearing FIR No.388 dated 16.09.2019 under Sections 147, 149, 323, 307, 341and 506 IPC registered at Police Station Azad Nagar, Hisar.

Petitioner seeks cancellation of anticipatory bail granted to respondent Nos.1 and 2 vide order dated 16.07.2021 in CRM-M-No.14375 of 2021. Learned counsel for the petitioner submits that there was no scuffle between the groups as observed in the order dated 11.02.2020 passed by the Co-ordinate Bench at the time of granting interim anticipatory bail to respondent No.1 and

2. The FIR was registered at the instance of Jyoti w/o injured Baljeet Singh. As per allegation, the complainant Jyoti and her husband were going to the house of her brother-in-law-Ram Niwas at 9 P.M. When they reached in front of house of Sajjan then Joginder s/o Jitu, Dholiya s/o Gopi Ram, Deva s/o Gopi Ram, Baljeet Singh (respondent No.2) s/o Roshan Lal, Lucky s/o Sajjan Singh, Raj Kumar (respondent No.1) s/o Murari Lal, Surya s/o Pritam, Santlal s/o Nand Lal, Nand Lal s/o Krishan Lal, Ravi s/o Sham Lal, Praveen s/o Sham Lal, Vikas s/o Ghasi Ram, Amit s/o Ghasi Ram, Dalip s/o Krishan Lal, Ajit s/o Shiv Lal & Sumitra w/o Gopi Ram met them. All the aforesaid persons blocked their way in the street and started giving abuses. On being protested Dholiya, Deva, Lucky and Raj Kumar caught hold of husband of the complainant i.e. Baljeet. Joginder @ Rinku picked up a brick from the street and gave brick blow on the head of husband of the complainant (Baljeet). Remaining assailants gave fist and kick blows to husband of the complainant. The complainant was also given fist blows. Joginder @ Rinku was having some weapon like thing. After receiving injury on the head, husband of the complainant fell down and became unconscious. On raising alarm, Praveen s/o Billu attracted to the spot and the assailants ran away from the spot after giving threats of killing to the complainant. With these

allegations FIR in question came to be registered.

Evidently 16 accused were arrayed in the aforesaid FIR. Out of 16 accused 12 accused were exonerated by the Police during investigation. Respondent Nos.1 and 2 were granted anticipatory bail by this Court. Deva was released on regular bail by the Additional Sessions Judge, Hisar on 24.01.2020. Statement of injured was recorded by the Police under Section 161 Cr.P.C. on 17.11.2019 in which he named Joginder @ Rinku and Dholiya to be the persons who gave blows on his head. The present petition has been filed for cancellation of the anticipatory bail only after being aggrieved by the first line of order dated 11.02.2020 that there was a scuffle between two groups.

Learned counsel for the petitioner admits the factual position on record. Interim bail was granted to respondents No.1 and 2 on 11.02.2020. The said order was made absolute by this Court on 01.07.2021, after about 4 months and 20 days. Complainant did not wish to contest the bail application on 01.07.2021. Evidently, the injury falling under Section 307 IPC is attributed to Joginder @ Rinku. The allegations of conspiracy and common object would be gone into by the trial Court at the relevant stage on the basis of evidence to be led by the parties during trial.

So, in view of aforesaid factual position, I deem it appropriate to re-affirm the order dated 01.07.2021 that is the day on which interim order was made absolute when learned State counsel on instructions from Police stated that the present respondents No.1 and 2 had joined the investigation and they were not required for any further investigation in the case.

For the reasons recorded hereinabove, I find no reason to interfere in this present petition.

Dismissed.

06.08.2021
sangeeta

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No