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

CRM-M-39615-2021

Date of decision : 02.12.2021

Huma and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Hanima Grewal, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Anirudh Singh Shera, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.477 dated 13.08.2021 registered under Sections 323/325/307/506/34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Kundli, District Sonapat.

On 22.09.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer is for grant of anticipatory bail in case FIR No.477 dated 13.08.2021 under Sections 323,325,307,506,34 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Kundli, District Sonapat. FIR was lodged on the complaint of one Prateek

Kumar, who stated that on the opposite of his house in village Rasoi, there is house of Kamla (petitioner No.2), who resides there with her family. On 13.08.2021 at about 8.00 a.m, Rakesh @ Petha, Rajesh and their mother Kamla told him that they wanted to install submersible pump in the street. Complainant informed that a case pertaining to the issue was pending and they should await the decision of the Court. On hearing this, Rakesh caught hold of Navdeep-brother of the complainant and Rajesh hit him with a lathi on his head. When the complainant tried to rescue him, then Rakesh @ Petha on being exhorted by his mother Kamla got a pistol from his house and fired at the complainant with intention to kill him. The shot hit on right foot of the complainant whereupon he fell down. When the mother of the complainant came forward to rescue him, then Kamla (petitioner No.2) caught hold of his mother. Huma (petitioner No.1) inflicted danda blow on the hand of Krishma-mother of the complainant. One Rohit brought red chili powder and threw it in the eyes of the complainant. Rakesh @ Petha fired another gun shot at the complainant with intention to kill him. Thereafter, all the accused fled away.

Learned counsel for the petitioners contends that petitioner No.1 has only been attributed danda blow which hit on the right hand of Krishma-mother of the complainant while petitioner No.2 is alleged to have caught hold of mother of the complainant. He submits that petitioner No.1 is in advance stage of pregnancy and that she is unable to walk even. Petitioner No.2 being an old lady is suffering from various ailments. Main co-accused, who have been ascribed gun shot injuries, have already been arrested. He submits that the petitioners have also

suffered grievous injuries and a cross version has been got registered by the petitioners.

Notice of motion for 02.12.2021.

Meanwhile, in the event of arrest, the petitioners shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioners are also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned counsel for the petitioners has submitted that in pursuance of the abovesaid order dated 22.09.2021, the petitioners have joined the investigation and are not required for further custodial interrogation.

Learned counsel for the State, on instructions from ASI Rajesh Kumar, has submitted that the petitioners have joined the investigation and are not required for any further custodial interrogation.

Learned counsel for the complainant has opposed the present petition for grant of anticipatory bail to the petitioners and has submitted that petitioner No.1 had been attributed with a stick (*danda*) blow on the right hand of the complainant, on account of which, she had suffered fracture and petitioner No.2 was also involved in the incident.

This Court has heard the learned counsel for the parties and has perused the paper book.

Petitioner No.2 had herself suffered one injury on the head as is apparent from photograph (Annexure P-4) and petitioner No.1 has been

stated to be pregnant and even in case, injury which had been attributed to her is taken into consideration, then the said injury being from a blunt weapon would at best attract the offence under Section 325 of IPC, which would be bailable offence. Moreover, the said weapon i.e. stick (*danda*) has already been recovered from petitioner No.1.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that the petitioners have joined the investigation and are not required for any further custodial interrogation, the present petition is allowed and the interim order dated 22.09.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

02.12.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**