

CRM-M-40593-2021

Date of decision: 08.10.2021

Ankur and ors.

.... Petitioners

Versus

State of Haryana

.... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia.

Present : Mr. Ram Pal Verma , Advocate for the petitioners.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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**B.S. Walia, J. (Oral)**

[1] Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No.342 dated 20.08.2021, registered under Sections 323/506/120-B/379-B and 34 IPC, at Police Station Urban Estate, Rohtak, District Rohtak.

[2] Learned counsel states that petitioner No.2 is the wife of the complainant - while petitioner No.1 is the brother in law of the complainant and petitioner No.3 is the person allegedly hired by petitioner Nos.1 and 2 to beat up the complainant on account of a dispute between petitioner No.2 and the complainant. Learned Counsel contends that as per the allegations, petitioner No.3 along with other co-accused namely Parvinder, Krishan and Sawan accosted the complainant and scuffled with him and in the incident, the complainant lost Rs.1.00 lakh, as also a mobile phone. Learned counsel contends that subsequently, a statement was made by the complainant before the learned Chief Judicial Magistrate

Rohtak on 01.09.2021 that on 19.08.2021, there was a scuffle with him qua which he registered an FIR mentioning likely involvement of his in-laws but the same was due to misunderstanding on account of a minor dispute between him and his wife. However, there was no role of his in-laws in the dispute and he did not want any action against them and had no objection if bail was granted to the accused. Learned Counsel contends that apparently a misunderstanding between the complainant and his wife has been blown out of proportion and the petitioners implicated in a false case.

[3] Learned State counsel on instructions from ASI Surinder confirms that there was a matrimonial dispute between the complainant and his wife whereupon the complainant had got registered an FIR on the allegations that he had been accosted by four persons who had beaten him up and he had lost a sum of Rs.1.00 lakh, besides, a mobile phone in the melee. However, subsequently, statement, Annexure P/2 was made by the complainant that due to misunderstanding he had given the names of his in-laws but they had no role to play in the dispute and he did not want any action to be taken against them besides he had no objection if bail was granted to Ankur, Dimple and Takdeer.

[4] I have considered the submissions of learned counsel for the parties.

[5] Admittedly, as per the prosecution case, there was a matrimonial dispute between the complainant and his wife. Complainant got registered an FIR on the allegations that he was accosted by four persons who beat him up and he lost a sum of Rs.1.00 lakh, besides, a

mobile phone in the melee and that he suspected the involvement of his in-laws in the same. However, subsequently he made a statement, Annexure P/2 that due to misunderstanding he had given the names of his in-laws but they had no role to play in the dispute and he did not want any action to be taken against them and had no objection if bail was granted to the accused i.e. Ankur, Dimple and Takdeer.

[6] Complainant has also given an affidavit dated 25.08.2021 that FIR No. 342 dated 20.08.2021, was registered under Sections 323/506/120-B/379-B and 34 IPC, at Police Station Urban Estate, Rohtak, District Rohtak against his wife Dimple, her brother Ankur, Takdeer @ Balira son of Krishan, Parvinder son of Jagdish, Krishan son Umed Singh and Sawan son of Virender Singh all residents of Village Udesipur, Tehsil Ganaur, District Sonapat but all the above mentioned persons were neither having any role in the dispute nor they had given any injuries to him nor he wanted to take any action against them and no person from amongst said accused was present at the spot.

[7] Aforementioned affidavit has also not been disputed by the learned State counsel. In the light of the position noted above and taking into account all aspects of the matter, I am of the view that no useful purpose would be served by keeping the petitioners behind bars as the trial is likely to take time.

[8] Accordingly, the petition for regular bail is allowed and the petitioners ordered to be released on regular bail during the pendency of the trial, subject to their furnishing bail / surety bonds to the satisfaction of the learned CJM / Trial Court / Duty Magistrate, concerned, provided they

are not required in any other case. The petitioners shall also abide by the

conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

[09]           Petition disposed of in the aforementioned terms.

(B.S. Walia)  
Judge

08.10.2021  
'Amit'

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