

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

CRM-M-1166-2022 (O&M)

Date of Decision: 07.02.2022

Mam ChandPetitioner
vs.

State of HaryanaRespondent

CRM-M-1168-2022

Rakesh and anotherPetitioners
vs.

State of HaryanaRespondent

CRM-M-2097-2022

RahulPetitioner
vs.

State of HaryanaRespondent

CRM-M-2206-2022 (O&M)

Bittu alias ChintuPetitioner
vs.

State of HaryanaRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Nafeesh Ahmed, Advocate,
for the petitioners.

Mr. Anmol Malik, DAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

On 13.01.2022, the following order was passed in CRM-M-1166-

2022 and CRM-M-1168-2022:-

“The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

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The petitioner prays for pre-arrest bail in a criminal case arising from FIR No.531, dated 02.12.2021, registered under Sections 148/149/323/452 and 506 IPC, at Police Station Sadar Nuh, District Nuh, Haryana.

As per the case of the prosecution, Smt. Bhoti wife of Parbhati Lal got registered an FIR alleging that when her husband requested the accused to stop burning the crackers while using an iron pipe, the accused got annoyed and entered their house and caused injuries to her husband with the help of an iron pipe. As per the case of the prosecution, the petitioner caused injury to the hand of the first informant's husband with a wooden stick.

The learned counsel representing the petitioner contends that in fact this false case has been registered in response to the FIR No.525, dated 29.11.2021 registered by the petitioner's side while falsely implicating the petitioner

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Rakesh and Mam Chand, the petitioners, have also prayed for pre-arrest bail by filing a separate petition. On being pointed out by the Court, the learned counsel representing the petitioners pray for permission to withdraw the bail application on behalf of Mam Chand, petitioner no.2.

Ordered accordingly.

As per the learned counsel, Rakesh son of Mam Chand is the first informant in the previous FIR No.525, dated 29.11.2021 and the role attributed to the petitioner is to the effect that he caused injuries to the first informant's husband with a wooden stick on his back and foot.

Notice of motion in CRM-M-1166-2022 and CRM-M-1168-2022, for 07.02.2022.

On the request of this Court, Mr. Gurmeet Singh, Assistant Advocate General, Haryana, accepts notice on behalf of the State.

In the meantime, in the event of arrest, the petitioner (in CRM-M1166-2022) and petitioner no.1-Rakesh (in CRM-M-1168-2022) shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the files of the other connected cases.”

Thereafter, on different dates similar orders had been passed in the other two petitions also.

Today, learned State counsel submits, on instructions from ASI Jagram, that all four petitioners having joined investigation, their custodial interrogation is not required.

That being so, looking at the fact that the nature of injury at least alleged to have been inflicted upon the husband of the complainant, is a simple injury (as per the FIR), nothing further needs to be stated by this court even in terms of the ratio of the judgment of the Supreme Court in **M.C. Abraham v. State of Maharashtra**, (2003) 2 SCC 649.

Consequently, these petitions are allowed, with the interim orders passed earlier, directing the petitioners to join investigation and to be admitted to bail, if they are sought to be arrested, made absolute, on the same terms and

conditions.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

(A photocopy of this order be placed on the files of the connected cases).

February 07, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES

Whether Reportable : NO