

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-12083-2022 (O&M)

Renu ... Petitioner

Versus

State of Haryana and another ... Respondents

II) CRM-M-12811-2022 (O&M)

Amit Gora ... Petitioner

Versus

State of Haryana ... Respondent

III) CRM-M-15584-2022 (O&M)

Rahul ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:-5.9.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikram Singh, Advocate for the petitioner(s).

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Sukhpal.

Mr. Nonish Kumar, Advocate and
Mr. Adward Augustine George, Advocate and
Ms. Kashish Saini, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Renu, Amit Gora and Rahul. While the petitioner Renu (in CRM-M-12083-2022) seeks grant of anticipatory bail, petitioner Amit Gora (in CRM-M-12811-2022) and petitioner Rahul (in CRM-M-15584-2022) seek grant of regular bail in respect of a case registered vide FIR No.965 dated 13.10.2021, Police Station Karnal Sadar, District Karnal, under Sections 148, 149, 307, 323, 325, 506 of Indian Penal Code and Sections 25 (Act No.54) of Arms Act.
2. The FIR in question was lodged at the instance of Tejinder Singh, wherein it is alleged that on 12.10.2021, when he was harvesting paddy crop in his fields, then his elder brother Jitender was standing on the road. At that point of time, two cars i.e. one Swift Dezire Car and one Mahindra Morazo Car came there. The Dezire Car, with an intention to kill his brother, hit him from behind, as a result of which he fell down. Rahul, Renu and Amit alighted from Dezire Car. The other accused i.e. Rajneesh and 7-8 other persons alighted from the other vehicle. Renu (petitioner in CRM-M-12083-2022) is alleged to have raised a '*lalkara*' exhorting her companions to teach the complainant a lesson for grabbing land and for getting false cases registered. It is alleged that all the accused thereafter started beating complainant's brother Jitender. When the complainant raised alarm and stepped forward towards his brother, then Amit brandished a pistol towards him and threatened to kill him. All the accused thereafter fled away from the spot.
3. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case and that most of the members of both the

parties are *inter se* related and the dispute pertains to a piece of property, which originally fell to the share of Yashbir Singh i.e. brother of Jitender and Tejinder Singh and, who is father of Rahul. It has been submitted that several other FIRs are pending amongst both the parties.

4. Learned counsel for the petitioners has submitted that the petitioner Renu (in CRM-M-12083-2022) is only attributed a '*lalkara*' and no injury is attributed to her and that while all the other accused have been assigned a general attribution and no specific injury is attributed to any specific person.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since a large number of injuries i.e. as many as 9 injuries had been sustained by Jitender including 2 grievous injuries on his legs and it is a case where the accused had virtually tried to run over their vehicle on Jitender, no case for grant of bail is made out to either of the accused. Learned State counsel has pointed out that all the petitioners are involved in as many as 5 other cases.
6. Learned counsel representing the complainant has submitted that the petitioner Renu (in CRM-M-12083-2022), who has been granted interim bail, has been threatening the complainant's side even after grant of interim bail and, as such, she does not deserve the concession of bail. It has also been submitted by learned counsel for the complainant that Rajneesh, who is brother of petitioner Amit, has even gone to the extent of threatening the complainant's counsel, who is representing him before the Trial Court.
7. Learned State counsel, upon instructions from SI Sukhpal, has, however, informed that the petitioner Renu (in CRM-M-12083-2022) has joined investigation and is not required for any custodial interrogation.

8. This Court has considered the rival submissions.
9. As far as the case of petitioner Renu (in CRM-M-12083-2022) for grant of anticipatory bail is concerned, the only allegation in the FIR is that she had raised a '*lalkara*' exhorting her companions to give beatings to the complainant and to his brother. There is no specific allegation that she had also inflicted any injury. In any case, she, pursuant to interim directions, has already joined investigation and is stated to be not required for any custodial interrogation. In these circumstances, the petitioner Renu (in CRM-M-12083-2022), who is a lady and is attributed a '*lalkara*' only and has already joined investigation and is not required for any custodial interrogation, deserves to be granted anticipatory bail. The petition i.e. CRM-M-12083-2022 on behalf of petitioner Renu, as such, is accepted and the interim directions issued by this Court vide order dated 23.3.2022 (in CRM-M-12083-2022) are hereby made absolute, subject to the condition that the petitioner-Renu shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.
10. As far as the petitioners Amit Gora and Rahul are concerned, it is no doubt correct that they are specifically named in the FIR and are also alleged to have inflicted injuries with the help of sticks. The factum of injuries on the person of the complainant is substantiated from the medical record, which shows that as many as 9 injuries were sustained by him including 2 grievous injuries, which are on the legs. During the course of arguments, while learned State counsel has informed that the aforesaid petitioners are involved in 4 more cases, but a perusal of para No.5 of the reply would indicate that while

two of the FIRs already stand cancelled, one FIR has been consigned being untraced.

11. Learned counsel for the petitioners has informed that infact the complainant's side is also involved in 4 other FIRs.
12. Learned counsel representing the complainant has, however, stated that the said FIRs have been cancelled.
13. In any case, there is no evidence to this effect has been furnished to this Court.
14. Since learned State counsel informed that the petitioner Amit Gora (in CRM-M-12811-2022) and petitioner Rahul (in CRM-M-15584-2022) have otherwise been behind bars since the last about 9 months, this Court is of the opinion that, further detention of the petitioners Amit Gora and Rahul will not serve any useful purpose as conclusion of trial is likely to consume time. The petitions i.e. CRM-M-12811-2022 and CRM-M-15584-2022 on behalf of petitioners Amit Gora and Rahul, respectively, as such, are accepted and the petitioners Amit Gora and Rahul are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
15. A copy of this order be placed on the file of each connected case.

5.9.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No