

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-19554-2021

Date of decision : 07.01.2022

Parvinder Bhadana and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Kunal Dawar, Advocate
for the petitioners.

Mr.Manish Dadwal, AAG, Haryana.

Mr.Arjun Atri, Advocate
for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.172 dated 21.04.2021 registered under Sections 148, 149, 323, 342, 379-B and 506 IPC (Section 367 IPC added later on) at Police Station Dabua, District Faridabad.

On 17.05.2021, a coordinate Bench of this Court was pleased to pass the following order:-

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

Learned counsel for the petitioners contends that the alleged occurrence has taken place in two parts. In first part, the complainant was chased and was illegally confined by two persons. In the second part, the

complainant along with his family members were given beatings by the petitioners and others in their house. Petitioners are not involved in first occurrence. The allegations against them are that they gave beatings to the complainant party with dandas. It is a case of version and cross-version. By referring to MLRs of Parvinder Bhadana, Prince Bhadana and Smt. Shakuntla wife of Harbhan, learned counsel submits that the complainant party attacked the petitioners party in their house. The reason was for withdrawing from the prosecution arising out of murder case against the known persons of the complainant party. The detailed application has already been filed by petitioner No.1 before the Station House Officer on 21.04.201 in the context of act committed by the complainant party, but no cross-FIR has been registered so far. In the present FIR, the origin and genesis of the occurrence have been materially suppressed as the injuries on the person of the petitioners have not been explained. At the most, the petitioners are authors of simple injuries as they have not done any overt-act qua the first part of the occurrence when the complainant was chased down and illegally confined by two persons.

Notice of motion for 13.08.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 26.05.2021 at 11:00 AM and in the event of his arrest, he shall be enlarged on interim bail, on his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

It is made clear that grant of interim order shall not be taken to be an expression on merits of the case in any manner. The case shall be considered on merits on

the adjourned date.”

Learned counsel for the petitioners has submitted that in pursuance of the said order and subsequent order dated 15.07.2021, the petitioners have already joined the investigation.

Learned State counsel and learned counsel for the complainant have opposed the petition for anticipatory bail and have submitted that although the petitioners have joined the investigation but they are not cooperating in the investigation. It is further submitted that in the present case, although the alleged injuries suffered by the complainant party are simple in nature but there are allegations of kidnaping the complainant in the house of Inder Bhan (co-accused) for 2-3 hours. It is further submitted that although the complaint from the cross-version was filed but no FIR / DDR has been recorded in pursuance of the same.

Learned counsel for the petitioners in rebuttal has submitted that the present case is a case of version and cross-version and has submitted that as per their cross-version, it is the complainant party who had come to their house to attack them and three persons from the side of the petitioners had also suffered injuries. It is further submitted that there is a specific complaint and even the MLRs of three injured have also been produced on record to substantiate the same.

Keeping in view the above said facts and circumstances moreso, the fact that the present case is a case of version and cross-version and injuries have been suffered by both sides and also the fact that the injuries suffered by the complainant are simple in nature and it would be a moot point in the trial to see as to which party was the aggressor, the present petition for anticipatory bail is allowed and the interim order dated

17.05.2021 and subsequent order dated 15.07.2021 are ordered to be made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

January 07, 2022
Davinder Kumar

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