

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

- (1) CRM-M-28196-2022 (O&M)
Kuldeep ... Petitioner
Versus
State of Haryana ... Respondent
- (2) CRM-M-30288-2022 (O&M)
Mukesh Kumar and others ... Petitioners
Versus
State of Haryana ... Respondent

Date of Decision:- 6.12.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ram Darshan Yadav, Advocate for the petitioner(s).

Mr. Abhinash Jain, DAG, Haryana,
assisted by H.C. Rajesh.

Ms. Vibhuti Naraina, Advocate for the complainant
in CRM-M-28196-2022.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose off the above mentioned two petitions filed on behalf of Kuldeep, Mukesh Kumar, Sheela Devi and Seema Devi @ Sushila seeking grant of anticipatory bail in respect of a case registered against them vide FIR No. 135 dated 15.6.2022 under Sections 147, 148, 149, 323, 325, 452 and 506 of Indian Penal Code at Police Station Sector-6, Dharuhera, District Rewari (Haryana).

2. At the time of issuance of notice of motion in CRM-M-28196-2022, the following order was passed on 6.7.2022 :

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.135, dated 15.6.2022, Police Station Sector-6, Dharuhera, District Rewari (Haryana), under Sections 147, 148, 149, 323, 325, 452 and 506 of Indian Penal Code.

Learned counsel for the petitioner submits that it is a case of cross-versions, wherein both the parties have sustained injuries and that while the petitioner’s side has sustained 5 injuries, the other side has sustained 6 injuries.

Learned counsel for the petitioner submits that the parties are *inter se* related and the dispute had taken place on account of drainage of water and that the matter may even be compromised.

Notice of motion for 6.12.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. This Court had issued directions in CRM-M-30288-2022 on 18.7.2022 directing the petitioners to join investigation and has also granted interim bail.
4. Learned State counsel, upon instructions from H.C. Rajesh, has informed that pursuant to interim directions issued by this Court, the petitioners have joined investigation and are not required for any custodial interrogation. Learned State counsel has informed that the petitioner – Mukesh Kumar stands involved in one more case for offence under Excise Act.
5. Learned counsel representing the complainant has, however, opposed the petition and has submitted that since the petitioners Mukesh Kumar and Kuldeep stand involved in another case after lodging of the instant FIR for

offences under Sections 354, 506 IPC, they do not deserve the concession of bail.

6. Having regard to the facts and circumstances of the case, particularly the fact that the dispute basically is *inter se* members of the same family as regards the drainage of water and while also noticing that the petitioners have already joined investigation and are not stated to be required for any custodial interrogation, this Court is of the opinion that it is not such a case which would warrant custodial interrogation.
7. Both the petitions, as such, are accepted and the interim directions issued by this Court vide order dated 6.7.2022 and 18.7.2022 are hereby made absolute, subject to the condition that the petitioners 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.
8. A photocopy of this order be placed on the file of connected case.

6.12.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No