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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.51771 of 2022 (O&M)

Date of decision: 17.11.2022

Hisham Singh @ Isham and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Wazir Singh, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

Mr. Tejinder Pal Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.420 dated 10.10.2022 registered under Sections 308, 323, 34, 452, 506 IPC at Police Station Matlauda, District Panipat.

Counsel for the petitioners has argued that as per the complaint given by Naresh, it is stated that the petitioners and the complainant are the real brother, who are residing in Gurugram for the last 22 years. It is further stated that the petitioners were putting pressure on him to vacate the house and on 08.10.2022, they along with their wives entered the house of the complainant and caused him injuries by iron rod blows on his head.

Counsel for the petitioners has further argued that, in fact, on a previous occasion, there was a compromise according to which the house has fallen to the share of the petitioners and the petitioners, who

are residing out of the village had only requested the complainant to hand over the possession of the house, which he wanted to retain. It is also submitted that, in fact, even on the date of incident, it was the complainant, who was aggressively attacking the petitioners with a rod and in a scuffle, he fell down and sustained injuries. It is further contended that even a complaint has been given in this case against the complainant side.

Counsel for the State assisted by counsel for the complainant could not dispute the fact that the victim has suffered head injury and he is the real brother of the petitioners. It is also not disputed that some compromise was written on 26.04.2022 in the presence of the Panchayat, however, counsel for the complainant further argued that the same was not acted upon.

Counsel for the complainant has further argued that after the compromise dated 26.04.2022, was written again, there was a scuffle between the parties and the police was called to diffuse the situation and later on, in the second incident, the complainant was given beatings.

After hearing the counsel for the parties and considering the fact that the petitioners have also given a complaint against the complainant that he was the one, who was aggressor and tried to charge the petitioners with a stick and also in view of the fact that on an earlier occasion, there was a Panchayati compromise with regard to handing over the possession of the house, which is the bone of contention between the parties, I deem it appropriate to grant the concession of bail to the petitioners. Accordingly, the present petition is allowed and the

petitioners are directed to appear before the Investigating Officer within a period of 15 days from today to join the investigation and they shall be released on bail on furnishing bail/surety bonds subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

17.11.2022
yakub

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