

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55330-2022 (O&M)
Date of decision: 30.11.2022

Sita Devi and another

... Petitioners

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

ARVIND SINGH SANGWAN, J. (ORAL)

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

Learned counsel for the petitioners submits that petitioner No.1 Sita Devi is wife of Hisham Singh @ Isham and petitioner No.2 Annu is wife of Suresh Kumar and said Hisham Singh @ Isham and Suresh Kumar have already been granted the concession of anticipatory bail by this Court vide order dated 17.11.2022 passed in CRM-M-51771-2022. It is further submitted that the petitioners have been falsely implicated in the present FIR just to aggravate the offence. The operative part of the order dated 17.11.2022 reads as under: -

“...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.”

Notice of motion.

On asking of the Court, Mr. Deepak Kumar Grewal, DAG, Haryana accepts notice on behalf of the respondent-State and could not dispute the factual position.

After hearing learned counsel for the parties and considering the fact that the petitioners are ladies and their husbands, who had a dispute with their brother with regard to share in the property, have already been granted the concession of anticipatory bail, this petition is allowed and the petitioners are granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

30.11.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No