

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37080-2023 (O&M)
Date of Decision : 01.08.2023

Rakesh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajesh Duhan, Advocate for the petitioner.

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ALKA SARIN, J. (Oral)

1. This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of order dated 02.06.2023 passed by the Chief Judicial Magistrate, Karnal in FIR No.1127 dated 07.12.2022 under Sections 294, 323, 377, 406, 498-A, 506 of the Indian Penal Code, 1860 (Sections 294, 377 deleted later on), registered at Police Station Sadar Karnal, District Karnal as well as order dated 06.07.2023 passed by the Additional Sessions Judge, Karnal.

2. The brief facts relevant to the present *lis* are that the petitioner herein was granted regular bail by the Trial Court on 16.03.2023. While on bail, on 29.05.2023 at around 11.00 PM, the petitioner went to the house of the complainant along with 4-5 Gundas and broke down the main door and

bedroom door on the first floor of the house and gave several saria and danda blows to the complainant. The petitioner inflicted a total of 15 injuries on the head of the complainant. The complainant was medico legally examined on 29.05.2023 at 11.21 P.M at Civil Hospital, Karnal. It is further stated that the petitioner had been threatening the complainant that if she did not withdraw her case he would kill her. The daughter of the complainant, namely, Mehak, who is 17 years, was stated to be present before the Court along with the complainant and vide a separate statement she corroborated the version of the complainant. She stated that on 29.05.2023 at around 11.00 PM her father along with some other men broke the door of their house and started beating her mother and her mother suffered injuries on her head. Thereafter beatings were also given to the daughter. The order dated 02.06.2023 cancelling the bail also refers to the observation of the Court regarding demeanor of the complainant and her daughter who as per the observation appeared to be completely truthful. The Trial Court in view of the MLR as well as statement of the daughter of the complainant and on the basis of the contents of the application, cancelled the bail since the conduct of the petitioner amounted to gross misuse of the bail and his further continuance on bail was likely to be a threat to the safety and security of the complainant and her daughter and would amount to interference in administration of justice. Aggrieved by the same a revision petition was preferred before the Additional Sessions Judge, Karnal which was dismissed

vide order dated 06.07.2023 as not being maintainable. Hence, the present petition.

3. Learned counsel for the petitioner would contend that the petitioner has not misused the concession of bail. It is further contended that there is a matrimonial discord between the parties. It is further the contention that there are several litigations pending between the parties and the question as to whether any injuries were inflicted by the petitioner would be a matter of evidence.

4. I have heard learned counsel for the parties.

5. In the present case as per the MLR dated 29.05.2023 i.e. on the same day as the date of the incident, the complainant is stated to have received 15 injuries inflicted by the petitioner herein along with 4-5 other persons. The daughter of the petitioner herein was also present at the time of the incident and made a statement in Court corroborating the version of the complainant. The daughter of the petitioner further stated that the petitioner had indulged in giving severe beatings to the complainant on her head for which she was required to be given stitches.

6. Keeping in view the conduct of the petitioner herein, which amounts to nothing short of gross misuse of the concession of bail granted to him, this Court does not find any ground to interfere in the order dated 02.06.2023 canceling the bail of the petitioner and the order dated 06.07.2023 upholding the cancellation of bail.

7. The present petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

August 01, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO