

CRM-M-47268-2023

2023:PHHC:165759

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-47268-2023

Date of Decision : December 04, 2023

Rajesh

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. B.S.Rana, Advocate with
Mr. Nayandeep Rana, Advocate and
Ms. Niharika Singal, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.299 dated 13.9.2022, under Sections 148, 149, 323, 452, 307, 506 of IPC (Section 302 IPC added later on), registered at Police Station Sadar, Ballabgarh, District Faridabad.

2. Learned counsel for the petitioner, bases the claim for the grant of anticipatory bail on the ground that the only role assigned to the present petitioner, was that she gave brick blow on the head of Sarita-injured, who sustained two injuries and the same were declared to be simple in nature, and no other role has been attributed to the present petitioner for causing any other injury to the deceased. Further, he submits that the petitioner is an old lady of 52 years of age and her husband and three sons have been falsely implicated in the present case.

3. The instant FIR was registered on a complaint made by Mahesh son of Zile Singh to the effect that on 12.09.2022, his younger

brother Dinesh had a heated argument with his uncle (Chacha), namely, Narender, regarding some drainage issue, which was resolved with his and his father's intervention. However, his uncle's son Bhudev, threatened his brother Dinesh with dire consequences. Next day, at around 6.30 a.m., when the complainant, his brother Dinesh and their father Zile Singh along-with their wives were present in their house, his uncle Narender, his sons Bhudev, Naveen, Rahul and the present petitioner came inside their house and started hurling abuses to the complainant party. They were armed with lathis and iron rods. They attacked the complainant and his family. The attack was deadly and with intent to kill the complainant and his family. All the family members including the complainant were seriously injured. The present petitioner, attacked Sarita with a brick lying nearby. Upon hearing the noise of fighting, people gathered from the neighbourhood and on seeing this, the assailants fled away from the spot, while giving death threats to the complainant and his family. After the present incident, the complainant and his family got themselves medically treated.

4. One of the injured-Zile Singh died in Safdarjung Hospital, New Delhi on 15.9.2022. Thereupon, offence under Section 302 IPC, was also added in the instant FIR. One of the injured suffered injuries, which were declared as dangerous to life, which invited the provisions of Section 307 IPC.

5. Thereupon, during investigation, accused Naveen, Bhudev and Rahul were arrested on 15.9.2022 and accused Narender was arrested on 18.9.2022.

6. It reveals from the perusal of the reply filed by the learned State counsel that admittedly five persons suffered injuries on the part of the complainant side and out of five, one person i.e. Zile Singh succumbed to the injuries suffered by him.

7. The final report *qua* the co-accused, who were arrested, was also prepared and submitted before the learned Ilqa Magistrate

concerned on 10.12.2022 and the charges were also framed by the learned trial Court concerned on 22.12.2022. The present petitioner could not be arrested, and warrants of arrest against the present petitioner has been issued by the learned Ilaqa Magistrate, Faridabad.

8. In view of the above described detailed facts, it is clear that the present petitioner was very much involved in the present crime, and she not only was present at the place of occurrence but also caused injuries to the complainant party by throwing brick at them. It is a case where the present petitioner and other co-accused after forming an unlawful assembly, entered into the house of the complainant party and thereupon, caused injuries to them.

9. Considering the specific allegations against the present petitioner and her being a member of an unlawful assembly, and the gravity of the offence, this Court is not inclined to grant any extraordinary relief of anticipatory bail to the present petitioner. Therefore, the present petition is, hereby, **dismissed**.

10. Above direction is only to consider the relief of anticipatory bail. However, nothing observed hereinabove shall have any bearing on the outcome of the trial.

(KULDEEP TIWARI)
JUDGE

December 04, 2023
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No