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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-51197-2023****Date of Decision: 19.10.2023**

Kamlesh

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Sandeep Kumar Tada, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to her in case FIR No.137 dated 10.06.2023 under Sections 148, 149, 186, 332, 342, 379-B, 506 and 353 of IPC, 1860 (Sections 148, 149 and 379-B of IPC have been deleted and Sections 333 and 34 of IPC added later on), registered at Police Station Sadar Tohana, District Fatehabad.

2. The FIR in the present case was registered on the basis of the statement made by Balbir Singh. As per him, on 10.06.2023, the complainant alongwith other officials of the Electricity Department and EHC Sunil Kumar had gone to village Madanpura at about 6.00 am at the house of Amrit Lal and Charan Singh to prevent the theft of electricity, as per directions of the higher authorities. When they were checking the electricity meter, installed outside the house of Amrit Lal and Charan Singh, they were attacked by the villagers

including the present petitioner. As per the complainant, Charan Singh was armed with a *gandasi* (axe) in his hand and gave a blow with *gandasi* on the head of ALM Sandeep, Amrit Lal was carrying an iron-rod and gave an iron-rod blow on the ankle of left leg of EHC Sunil Kumar. In the meantime, the petitioner-Kamlesh came from inside the house and was carrying a *danda* in her hand and gave *danda* blows on the right hand and both the hips of the complainant. Amrit Lal and Charan Singh raised hue and cry and 5/6 more persons, carrying *dandas* in their hands, also rushed to the spot and caused injuries to ALM Bhup Singh. All the assailants caused injuries to him, ALM Sandeep, ALM Bhup Singh and EHC Sunil Kumar with *dandas*.

3. Learned counsel for the petitioner contends that in the present case, apart from the petitioner, three more accused were named as accused i.e. Charan Singh, Amrit Lal and Ramdiya, and were arrested by the police. He further contends that all the three co-accused have already been granted the concession of regular bail by the Court. He further contends that in fact, the petitioner, who is a rustic and household lady, had gone at the spot to separate both the parties. He further contends that the petitioner did not cause any injury and has been falsely involved in the present case as she is wife of the main accused. Learned counsel further submits that the petitioner is a lady and deserves sympathetic consideration by this Court.

4. Status report by way of an affidavit of Deputy Superintendent of Police, Fatehabad has been filed on behalf of the respondent-State in Court today and the same is taken on record. learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground

that a specific injury has been attributed to the present petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that the specific injuries were attributed to three other co-accused, who have already been granted the concession of regular bail by the Court. The petitioner is a rustic and household lady and deserves sympathetic consideration by this Court.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and she shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

(N.S.SHEKHAWAT)
JUDGE

19.10.2023
hemlata

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