

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-4499-2024
Date of decision : 05.02.2024

Mukesh Kumar Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.180 dated 09.10.2023, registered for the offences punishable under Sections 323, 307, 324, 452, 506 and 34 of IPC at Police Station Jathlana, District Yamuna Nagar.
2. As per the contents of the FIR, it has been alleged as under:-

“Contents of the writing are as under-
Statement of Rekha wife of Bhushan, Village MT Karhera, Police Station Jathlana, District Yamuna Nagar, aged 45 years. Mobile No.90682-29424. It is stated that I am of the aforesaid name and address and do domestic work. I have two sons and my Jeth Subhash has forcibly encroached on the Rasta going towards our house, in which Subhash and his family members have tied their animals in our Rasta, on which our Panchayats have been convened on

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account of this Rasta and we have also arrived at a settlement and his sons Balram and Mukesh never did not stick to the decision and continued quarreling with us and earlier also they have caused beatings to me and my husband. On 8.10.2023 at about 02.00 PM, I was at my house and my husband Bhushan was also present at home, my Jeth had tied the animals in the Rasta, he had spread dirt in the way and when I asked him to remove the same, Subhash and his son Balram, Mukesh and Reeta, Rachna had come to my house and all together having Dandas and sharp edged weapon *Gadala* in their respective hands, just on coming assaulted me and my husband Bhushan and started saying that let us we give you Rasta now. Balram inflicted blow with the sharp edged *Gadala* having in his hand on my abdomen and Subhash and Mukesh inflicted injuries to me and my husband with Dandas having in their hands. Reeta and Rachna after catching my hairs, pulled me and inflicted fist blows and I and my husband raised noise *Bachao - Bachao*, all of them fled away from there alongwith their weapon Dandas and iron sharp edged weapons *Gadala* and while going started saying that today you have been rescued. In future if you talk about the Rasta, we would kill you. For this either we may have to go to the jail and then my son Kapil returned home from Jathlana after taking medicines of his fever. Till then I kept suffering at home. My son took me for treatment at Radaur, where Doctor Sahab after giving first aid, referred me to Civil Hospital, Yamuna Nagar. Here I am admitted for treatment. In the hospital, maternal uncle of Balram, SI Subhash Chand, who is posted in the Traffic police

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at Yamuna Nagar, after coming threatened me and my son, video of which is with us. Balram, Mukesh, Subhash, Reeta wife of Mukesh, Rachna wife of Balram together have caused injuries to my husband Bhushan and have threatened to kill us. Legal action may be taken against all of them. I have got my statement recorded, which has been heard and read over, which is correct. SD- Rekha Rani. xxxxx”

3. The allegations against the petitioner are of having inflicted danda blows on the hand of the complainant as well as her husband. The dispute primarily is within the family as the parties are closely related. Petitioner is behind bars for more than 02 months and 22 days.
4. Counsel for the State does not dispute the aforementioned factual position based on record.
5. Keeping in view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

05.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No