

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54721-2023 (O&M)

Date of Decision: 27.02.2024

Anjum ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. Ramendra Singh Chauhan, AAG, Haryana.

Mr. J.P.Sharma, Advocate, for the complainant.

FIR No.	Dated	Police Station	Section/s
221	09.09.2023	P.S. Sadar Kanina, District Mahendergarh	Sections 148, 149, 302, 307, 323, 506 IPC

GURVINDER SINGH GILL, J. (Oral)

CRM-6892-2024

For the reasons mentioned in the application, the same is allowed and the affidavit of the complainant alongwith the documents annexed with the application i.e. statement of Sahida (Annexure C-1), statement of Gulfeth (Annexure C-2) and the post-mortem report of Feroz Khan (Annexure C-3) are taken on record, subject to all just exceptions.

CRM-M-54721-2023

- The petitioner seeks grant of anticipatory bail in respect of aforementioned FIR.

2. The FIR in question has been lodged at the instance of Irfan, wherein it is alleged that on 08.09.2023 at about 5.30 PM, Naseem and Sameer were confining the cows and were beating them. When the complainant's grandmother, namely, Maina asked them not to beat the cows, Naseem and Sameer alongwith their family members Sabuddin, Wasim, Aasif, Aas Mohammad, Lal Singh, Anjum (petitioner), Julekha, Deen Mohammad, Mehbood, Shokin and Salim, who were having sticks (lathies), axes and iron rods in their hands, started beating them. It is alleged that Naseem gave a stick blow on the fingers of complainant's left hand and thereafter, all the assailants gave stick and iron rod blows to all the family members of the complainant. It is alleged that Feroz Khan was also beaten up by Naseem, Sameer, Wasim and Anjum with their respective weapons. Thereafter, when the complainant party raised alarm, all the assailants left the spot while threatening them with dire consequences.
3. Initially, the FIR was lodged under Sections 148, 149, 323, 506, 307 IPC, but on account of death of Feroz Khan, Section 302 IPC was added later on.
4. At the time of issuance of notice of motion on 16.11.2023, this Court passed the following order:

“Learned counsel for the petitioner submitted that the petitioner is a lady of the age of 29 years and her husband is also a co-accused in the present case and he is already in custody. He further submitted that in the present case, there is no specific role attributed to the petitioner even as per the FIR and the petitioner is already having two children and her husband is already in custody. He also submitted that he has specific

instructions from the petitioner to state that the petitioner will not only join the investigation but will also cooperate fully with the investigation process.

Notice of motion.

Mr. Naveen Kumar Sheoran, DAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to get instructions in the present case.

Mr. Kanwar Abhay Singh, Advocate has appeared on behalf of the complainant and has filed his power of attorney in Court today and the same is taken on record.

The complainant shall also be at liberty to file an affidavit in the present case, if so advised or so desired.

Adjourned to 27.02.2024.

In the meantime, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on her doing so, the petitioner be released on interim bail, subject to her furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2)

Cr.P.C.”

5. Today, learned State counsel assisted by learned counsel for the complainant has opposed the petition while submitting that since the petitioner is specifically named in the FIR and one person from the complainant's side has lost his life, no leniency can be shown in the matter of grant of bail. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.

6. This Court has considered the rival submissions.

7. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and also the fact that the petitioner is a lady and no specific injury has been attributed to her, the instant petition is accepted and the interim directions issued by this Court vide order dated 16.11.2023 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

27.02.2024

Vimal

(GURVINDER SINGH GILL)
JUDGE

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