



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(203)

**CRM-M-22352-2025 (O&M)
Date of Decision: 09.7.2025**

Giano Devi and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. M.S.Dalal, Advocate
for the petitioner.
Ms. Mahima Yashpal, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of pre-arrest bail to the petitioner in case FIR No. 236 dated 06.8.2024, under Sections 76, 115, 190, 191(3), 351(2) of BNS (Sections 190 and 191(3) of BNS were deleted and Sections 85, 117 and 35 of BNS were added later on), registered at Police Station Sadar Pehowa, Kurukshetra.

2. Reply by way of affidavit of Deputy Superintendent of Police, Pehowa, Kurukshetra has been filed by the State, which is taken on record.

3. Brief facts of the present case are that the victim-complainant moved a complaint to the police alleging therein that on 04.08.2024, when she was taking rest in her house, thereupon her brother-in-law Hardev, Arvinder nephew of her mother-in-law alongwith Umed Singh entered her room in a drunkard condition. They all told her that she has moved a complaint against them and now they will teach her a lesson for the same. They closed the room and started forcing themselves upon her. She rescued



herself and ran inside the courtyard, where she was caught by them and pushed down. Then her lower was removed. One of the above accused caught hold of her feet and another caught her from her shoulders. Then they started beating her with dandas owing to which she received multiple injuries. It is further alleged therein that upon seeing this, her daughter started crying loudly, thereupon they left her and sped away from there. While leaving the spot, they threatened to kill her. They also snatched her phone so that she could not call any body. The daughter of the complainant took the phone of a girl in their neighbourhood and called her relatives, who in turned called Dial-112. The police came at the spot. She was taken out of the house in a bad condition. She was taken to the Government Hospital, Pehowa, where her medico-legal examination was got conducted and subsequently, she was referred to LNJP Hospital, Kurukshetra. Her brothers had moved the complaint to the S.P. Office, Kurukshetra. However, since she was not in a proper mental condition, therefore could not narrate the entire incident. On the basis of this complaint, the present FIR was registered.

4. Learned counsel for the petitioner submits that the petitioners have been falsely implicated in the present case. It is further contended that though the present FIR was registered against five persons, however, challan has been presented only against the present petitioners. Furthermore, petitioner No. 1 was not even named in the initial compliant. It has also been contended that there is no incriminating evidence on record indicating the complicity of the petitioners. All the three petitioners are persons of clean antecedents, who have already joined investigation and had been granted police bail, which concession was not misused by them. Therefore,



it is prayed that the present petition be allowed and the petitioners be granted the concession of anticipatory bail.

5. Per contra, the learned State counsel opposes the present petition. She while placing reliance on reply, submits that as per the MLR of the victim, there are 09 injuries on her person and all the said injuries were caused by blunt weapon. Therefore, it is prayed that the instant petition be dismissed. With respect to the grant of police bail to the petitioners is concerned, it is submitted that the concerned official took the plea of ignorance of law and that necessary action would be taken against the delinquent official in accordance with law..

6. Heard the rival submissions made by learned counsel for the parties.

7. Prima facie, serious and specific allegations have been levelled against petitioners No. 2 and 3 to the effect that they both entered the house of the complainant in a drunken condition. Thereafter all of them had assaulted her and inflicted injuries on her person. Furthermore, as per the MLR (Annexure R-1) annexed with the reply filed on behalf of the State, the complainant-victim has suffered 09 injuries upon her person, all of which were inflicted with blunt weapon. Therefore, this Court is not inclined to grant the discretionary relief of anticipatory bail to petitioners No. 2 and 3 in the present case, wherein custodial interrogation of the said petitioners might be required to unearth the true dimension of the alleged occurrence.

8. Accordingly, the instant petition is dismissed qua petitioners No. 2 and 3.

9. Insofar as petitioner No. 1, the 74 years old mother-in-law of the complainant is concerned, there are no specific allegations against her, and she has already joined investigation. Therefore, keeping in mind these



considerations as also her advanced age, this Court deems it appropriate to allow the instant petition qua petitioner No. 1.

10. It is directed that in case in future petitioner No. 1 is required to join the investigation process, then she shall join the investigation and cooperate fully with the investigation process. In the event of arrest, the petitioner shall be released on bail by the arresting/investigating officer on her furnishing bail/surety bonds subject to the satisfaction of the arresting/investigating officer, subject to the conditions as provided under Section 438(2) Cr.P.C.

11. The present petition stands disposed of in the aforesaid terms.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

July 09, 2025
Gurpreet Singh

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