

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

CRM-M-10667-2015

Date of decision: 21.4.2015

Banwari Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.JB Tobria, Advocate for the petitioner

Ms.Mahima, AAG, Haryana assisted by
ASI Kuldeep

SNEH PRASHAR, J.

The instant petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in case First Information Report No.133 dated 14.3.2015 registered under Sections 323, 325, 506, 34 of the Indian Penal Code at Police Station Mohindergarh.

Heard the submissions made by Mr.JB Tobria, Advocate representing the petitioner and Ms.Mahima, Assistant Advocate General, Haryana.

It is submitted by learned counsel for the petitioner that the

instant FIR is a counter blast to FIR No.112 dated 22.2.2015, under Sections 323, 452, 506, 34 of the Indian Penal Code registered at Police Station Mohindergarh lodged by son of the petitioner against the complainant and other persons. The occurrence took place on 19.2.2015, whereas the FIR was registered on 14.3.2015 by the complainant. The petitioner is an old person aged about 70 years and is suffering from various ailments.

On the other hand, learned State counsel opposing the prayer of the petitioner submitted that the weapons used in the commission of offence are yet to be recovered from the petitioner as well as other accused. She further informs that after receiving opinion from the doctor, Section 307 IPC has been added to the case.

From perusal of the FIR, it transpires that the petitioner alongwith his co-accused gave iron rod blows, lathi blows, danda blows and fist blows on the person of complainant and his brother. The injuries suffered by the complainant were opined to be dangerous to life by the doctor, which has invoked the provisions of Section 307 IPC.

The Hon'ble Supreme Court in **State rep. By the CBI vs. Anil Sharma, reported in (1997) 7 Supreme Court Cases 187** has held that the custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C. Keeping in view the gravity of offence and the fact that the recovery of the weapons of

offence is yet to be effected, the petitioner is not entitled for grant of anticipatory bail.

Dismissed.

21.4.2015
gsv

(SNEH PRASHAR)
JUDGE