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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: August 21, 2015
CRM-M-13671 of 2015

KhurshidPetitioner

Versus

State of HaryanaRespondent

CRM-M-19457 of 2015 (O&M)

Farukh and anotherPetitioners

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sarfraj Hussain, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, AAG Haryana.

SABINA, J

Vide this order, above mentioned two petitions would be disposed of as petitioners have sought anticipatory bail in FIR No.128 dated 23.03.2014, under Sections 379, 188, 120-B, 341, 307, 332, 353, 186, 148, 149 of Indian Penal Code, 1860 ('IPC' for short) and Section 3 of Prevention of Damage to Public Property Act, 1984, registered at Police Station Tauru, District Mewat.

Prosecution story in brief is that on 23.03.2014, complainant-Anil Kumar, Mining Inspector along with Shanta Swaroop, Mining Guard and police officials had gone to the hills of Ghulawat. The persons who were indulging in mining, on seeing the Government vehicles, fled away. Complainant and his team members noted down the Engine number and Chasis number of the JCB machine. While the complainant party was taking away the JCB machine, they were attacked by 30/35 persons. The said

persons inflicted injuries on the person of complainant party. As per the FIR, on inquiry, it transpired that Khurshid son of Idu, Farukh, Jamshed, Juber, Mammu, Mustak, Khushid son of Molvi Sahib, Hanif and Sirra were indulging in illegal mining and they in connivance with their companions had got released the JCB machine and tractor forcibly from the complainant party.

Learned counsel for the petitioners has submitted that ingredients of offence under Section 307 IPC were not attracted in the present cases.

Learned State counsel, on the other hand has opposed the petition and has submitted that in the alleged occurrence, Assistant Sub Inspector Suresh Kumar has suffered injuries. So far as Assistant Sub Inspector Yashpal is concerned, he had suffered injuries on his head, shoulder and other parts of the body. Petitioners are required for custodial interrogation.

In the present case, petitioners are specifically named in the FIR. Allegations levelled against the petitioners are serious in nature. Petitioners were allegedly indulging in illegal mining and attacked the officials when they were caught committing the illegal act. Petitioners are required for custodial interrogation.

Hence, no ground for grant of anticipatory bail to the petitioners, is made out.

Dismissed.

**(SABINA)
JUDGE**

August 21, 2015
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