

201

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

CRM-M-17431-2015

Date of decision: 02.06.2015

Anil Bhadana

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ankur Lal, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl. AG, Haryana.

Mr. Shiv Kumar, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.206 dated 10.04.2015 under Sections 148, 149, 323, 341, 506 IPC, registered at Police Station Surajkund, District Faridabad.

Notice of motion was issued vide order dated 26.05.2015.

Learned counsel for the petitioner submits that FIR No.195 dated 08.04.2015 was registered at the instance of brother of the petitioner. It was qua the same occurrence. He further submits that the present FIR No.206 dated 10.04.2015 should not have been registered and it should have been only the cross-version case in the abovesaid FIR No.195 dated 08.04.2015, because incident was the same. Learned counsel for the petitioner next contended that petitioner also suffered a grievous injury on his head. He suffered the fracture on the skull which was a vital part of the

body. Learned counsel for the petitioner submits that it will be a moot point as to whether petitioner has, as a matter of fact, caused any injury to the complainant or not. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Rajbir Singh, Police Station Surajkund, District Faridabad, submits that petitioner was armed with a stick and gave injuries on the person of the complainant because of which he is not entitled for concession of anticipatory bail. He prays for dismissal of the present petition.

Similarly, learned counsel for the complainant, while supporting the contentions raised by learned counsel for the State, vehemently opposes the present petition, contending that a grievous injury was caused in the stomach of the complainant and the petitioner is not entitled for the anticipatory bail. He also prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the case noticed hereinabove, petitioner has been found entitled for the concession of anticipatory bail. It is so said because petitioner himself has suffered fracture of skull, that is a vital part of the body. FIR No.195 dated 08.04.2015 qua this very occurrence came to be registered at the instance of brother of the petitioner, against the complainant-party in present FIR No.206 dated 10.04.2015. As a matter of fact, since incident was admittedly the same, only one FIR ought to have been registered.

In view of the above and without commenting anything further

on the merits of the case, lest it should prejudice the rights of either of the parties, present petition is allowed. In the event of arrest, petitioner shall be admitted to anticipatory bail to the satisfaction of Arresting/Investigating Officer, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

02.06.2015
vishnu