

204-A

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-36561-2015
Date of decision:21.12.2015

Amit @ Bhinda and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Vikas Lochab, Advocate for the petitioner.
Mr.Kapil Aggarwal, Addl.A.G., Haryana.
Mr.Ramesh Hooda, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioners seek pre-arrest bail in FIR No.310 dated 15.6.2015 registered under Sections 323, 506 and 34 IPC (Section 307 IPC was added later on) at Police Station Sampla, District Rohtak.

Notice of motion was issued and interim protection was granted to the petitioners.

Learned counsel for the State, on instructions from ASI Rajbir Singh, Police Station, Sampla, submits that during the investigation, it has transpired that petitioner No.1 (Amit @ Bhinda) caused grievous injury on the person of the injured, who is brother of the complainant. He further submits that in this view of the matter, petitioner No.1 is not entitled for the concession of anticipatory bail. He also opposes the instant petition qua petitioner No.2 (Vijay @ Nanha) as well, contending that he caused an injury with blunt weapon.

Similarly, supporting the arguments raised by the learned counsel for the State, learned counsel for the complainant submits that petitioners had an intention to kill the injured but fortunately he was saved with grievous injury, which was dangerous to life, because of which, petitioners are not entitled for anticipatory bail. He also prays for dismissal of the present petition.

On the other hand, learned counsel for the petitioners submits that in view of the serious allegations against petitioner No.1, he does not intend to press this petition qua petitioner No.1. Regarding petitioner No.2, he submits that since the other accused have been implicated only with a view to increase the number of accused and petitioner No.2 has already joined the investigation, his custodial interrogation would not be required any further. He prays for allowing the present petition.

After hearing the learned counsel for the parties and going through the record of the case, the instant petition is dismissed, as not pressed qua petitioner No.1 (Amit @ Bhinda)), because he has not been found entitled for interim anticipatory bail, keeping in view the role alleged against him, causing grievous injury to the injured. So far as petitioner No.2 namely (Vijay @ Nanha) is concerned, he has been found entitled for anticipatory bail, at the hands of this Court. It is not even allegation against petitioner No.2 by the learned counsel for the State that he has ever tried to misuse the concession of interim anticipatory bail granted by this Court.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, instant petition is allowed qua petitioner No.2 (Vijay @ Nanha) and the order dated 21.10.2015 passed by this Court, is hereby made absolute, however, only qua petitioner No.2, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

21.12.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE