

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-38367 of 2014

Date of Decision: September 15, 2015

Suresh and others

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vivek Suri, Advocate
for the petitioners.

Mr.Himmat Singh, Asstt. Advocate General, Haryana
for the respondent-State.

Mr.Jitender Nara, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.380 dated 21.09.2014 under Sections, 307, 325, 323, 506 and 34 IPC (Sections 307 and 325 IPC added later on), registered at Police Station Sampla, District Rohtak.

Notice of motion was issued and learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that as per the allegations, injury No.1 on the person of Naveen was declared dangerous to life and is attributed to petitioner Suresh. The grievous injury No.3 has been attributed to petitioner Devender @ Bablu.

As both these petitioners Suresh and Devender @ Bablu have caused injuries dangerous to life and grievous respectively and they have actively participated in the commission of the offence and further the weapons are still be recovered, I do not find it a fit case where petitioners Suresh and Devenber @ Bablu are entitled to benefit of anticipatory bail.

As regarding petitioner Ashish, his birth certificate has been placed on the record, according to which he is a juvenile and no injury is attributed to him. Similarly, as regarding Birmati, only simple injury is attributed to her. Both these petitioners have joined the investigation. They are not required for any custodial interrogation. Nothing is to be recovered from them. No useful purpose will be served by sending both these petitioners to custody.

Keeping in view the facts and circumstances of the case and without discussing the merits of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case where petitioners Birmati and Ashish are entitled to benefit of anticipatory bail. The orders dated 12.11.2014 and 06.01.2015 granting interim bail to petitioners Ashish and Birmati respectively, are made absolute.

Resultantly, the present petition qua petitioners Suresh

and Devender @ Bablu stands dismissed whereas it stands allowed
qua petitioners Birmati and Ashish.

September 15, 2015
Vgulati

(INDERJIT SINGH)
JUDGE