

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

CRM-M No. 38681 of 2014

Date of decision : January 08, 2015

Naresh and others,

..... Petitioners

v.

State of Haryana and another,

..... Respondents

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. Ashit Malik, Advocate  
for the petitioners.

Mr. Anmol Malik, AAG Haryana

Mr. Navin Kaushik, Advocate  
for respondent No.2.

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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**Ajay Tewari, J (Oral)**

The petitioners seek grant of anticipatory bail in complaint case No.302/1, dated 15.6.2012, titled Bishamber vs Naresh and others, filed under Sections 307, 323, 324 of the IPC, and Sections 25, 54, 59 of the Arms Act, Police Station Sadar Palwal, District Palwal.

On 15.12.2014, the following order was passed :-

“ This is a petition for grant of anticipatory bail to the petitioners in criminal complaint case No.302/1 dated 15.06.2012.

Learned counsel for the petitioners has argued that actually this is a false case registered after the petitioner's No.1

brother was injured by the complainant's brother. As per the learned counsel, this report was duly lodged by the police and the police found it to be a false case and lodged the

Kalandra under Section 182 Cr.P.C. against the present complainant-respondent No.2 also.

Learned counsel for the respondent No.2-complainant has pointed out that later on the said Kalandra was withdrawn as referred at page No.37 of the paper book where the Board of Doctors recorded that the injuries suffered by the complainant does not seem to be self-inflicted. As per the learned counsel for respondent No.2, the extensive damage has been caused to the ankle of the complainant-respondent No.2 and the present is not a case where anticipatory bail should be granted.

In my considered opinion, it would be appropriate to first seek a response from the police as to why the Kalandra was issued in the first place and, later on it was withdrawn and what action was taken by the police. Adjourned to 08.01.2015.

Interim order to continue.”

Today, counsel for the State of Haryana has pointed out that Kalandra has not been withdrawn and hearing thereon is now fixed for 16.3.2015.

Counsel for the complainant/respondent No.2 has argued that even if this is so, yet serious injuries have been caused to the complainant, though he has not denied that earlier there was a case pending against the brother of the complainant, as is mentioned in the aforesaid order.

Counsel for the petitioners has argued that the present is a complaint case and the petitioners have already appeared before the trial Court and shall face the trial.

Of-course, if the petitioners are found guilty, they will be punished but at this stage, I do not deem it appropriate to deny them the concession of bail. Consequently, in the event of their appearance before the trial Court, they shall be released on bail to its satisfaction.

The petition stands disposed of.

**January 08, 2015**  
**`kk'**

**( AJAY TEWARI )**  
**JUDGE**