

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

CRM No.M-39695 of 2015 (O&M)

Date of decision: 27.11.2015

Balvinder and anr.

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Munish Mittal, Advocate for the petitioners.

Ms. Neelam Kashyap, DAG, Haryana
assisted by ASI Ved Pal.

JITENDRA CHAUHAN, J. (Oral)

By way of petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.415, dated 30.09.2015, registered under Sections 332, 341, 186, 353, 147, 149, 333 of the Indian Penal Code (for the 'the IPC') at Police Station Indri, District Karnal.

The learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. The petitioners are not named in the FIR and they were not present at the time of alleged occurrence. The petitioners have been nominated as accused on the basis of disclosure statements of co-accused Somnath and Amit Kumar.

On the other hand, the learned State counsel, on instructions, informs that on receipt of telephonic call regarding the alleged incident, the complainant reached the spot and tried to pacify the persons who were present at the time of the incident. The complainant was thrashed by the petitioners along with other co-accused. The MLR dated 29.09.2015 was carried out on the person of the complainant, as per which as many as four injuries were suffered by the complainant including one on the neck. The remaining 10 co-accused are yet to be arrested.

I have heard the learned counsel for the parties and perused the record with their able assistance.

Keeping in view the gravity of the offence; the fact that the complainant had gone to the alleged spot for discharging his official duty but was brutally manhandled and number of injuries were given on his person and also the fact that 10 co-accused are yet to be arrested, no case for bail is made out at this stage.

Dismissed.

Nothing expressed hereinabove would be taken to be an opinion on merits of the case.

27.11.2015

ashok

(JITENDRA CHAUHAN)
JUDGE