

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

**C.R.M-M No.4985 of 2015
Date of Decision : 24.02.2015**

Shaukat and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sarfraj Hussain, Advocate
for the petitioners.

Mr. Ashish Yadav, Addl.A.G., Haryana.

1. Whether Reporters of local papers 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?

AJAY TEWARI, J. (Oral)

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners in cross case under Sections 148, 149, 323, 324, 285, 506 IPC and Sections 25, 54, 59 of the Arms Act in case FIR No.197 dated 01.05.2014 registered under Sections 148, 149, 323, 324, 285, 506 IPC and Sections 25, 54, 59 of the Arms Act at Police Station Tauru, District Mewat.

Learned counsel for the petitioners has argued that there was a dispute between both the parties and actually the other side had attacked the petitioners' side and had inflicted serious injuries to them including the gun

shot injuries. Ten days later a cross-case was registered for the same incident alleging that it was the petitioners' side who attacked the other side. However, only simple injuries were reported from the other side. As per the learned counsel, it would at best be a case where the petitioners' side also inflicted some injuries on their assailants.

Learned Additional Advocate General on instructions from ASI Dinesh Kumar has accepted the fact that injuries on the petitioners' side are serious and there are also some gun shot injuries and on the other side the injuries are simple.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioners.

Resultantly, the petition is allowed. In the event of arrest of the petitioners, they shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioners are directed to appear before the investigating officer on 03.03.2015 and on any other date as and when their presence is required. In case the petitioners do not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

February 24, 2015

ashish

**(AJAY TEWARI)
JUDGE**