

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

**C.R.M-M No.5739 of 2015 (O&M)
Date of Decision : 20.10.2015**

Shalim Hassan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Deipa Singh, Advocate
for Mr. S.K. Panwar, Advocate
for the petitioner.

Mr. S.S. Pannu, D.A.G, Haryana.

Mr. V.K. Gupta, Advocate
for the complainant.

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 for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case F.I.R. No.277 dated 06.12.2014 registered under Sections 323, 506, 34 IPC (Section 307 IPC added later on), at Police Station Sadar, Yamuna Nagar, Haryana.

On 21.02.2015 the following order was passed:-

“It is contended that the injury attributed to the petitioner does not attract offence punishable under Section

307 IPC. He is attributed injury to Shakoor Ali, which is simple in nature.

Notice of motion to Advocate General, Haryana for 07.04.2015.

In the meanwhile, arrest of the petitioner shall remain stayed.”

Learned counsel for the complainant has argued that conduct of the petitioner does not entitle him to the concession of anticipatory bail. As per him, being Sarpanch he has to further follow the intention of law but in this case he and his family members attacked the complainant in a planned manner only because the complainant had sought information under the Right to Information Act about the developmental works being carried out in the village. As per him, such a person is completely undeserving of the concession of anticipatory bail. He has also mentioned about other cases which had been initiated against the present petitioner earlier in point of time.

Learned Deputy Advocate General on instructions from ASI Satnam Singh states that no other case is pending against the petitioner.

In these circumstances, without going into the merits of the case, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he 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 petitioner is directed to appear before the investigating officer on 28.10.2015 and on any other date as and when his presence is required. In case the petitioner does not appear before the investigating

officer in the aforesaid manner the present petition would be deemed to have been dismissed. It goes without saying if the petitioner is ultimately convicted the arguments raised by the learned counsel for the complainant may result in a stiffer sentence than would have otherwise.

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

October 20, 2015

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**(AJAY TEWARI)
JUDGE**