

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

CRM-M-7236 of 2015

Date of decision: 31.03.2015

Khatiza

-----Petitioner (s)

V/s

State of Haryana

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Rajesh Lamba, Advocate
for the petitioner(s).

Mr. Neelam Kashyap, Deputy Advocate General,
Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition, filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 533, dated 31.12.2014, for the offence punishable under Sections 148, 149, 323, 353, 186, 356, 506, and 307 IPC, registered at Police Station, Tauru, District-Mewat.

While recording the contention of the learned counsel for petitioner that the petitioner has unnecessarily been dragged and there is no attribution of any injury on her part, notice of motion was issued to the respondent-State.

Learned counsel for the petitioner apart from reiterating the aforesaid contention has argued that in the FIR, no role has been attributed to the petitioner. It is also argued that the allegation, as made in the FIR are quite improbable, as it is practically not possible to attack the police persons more

particularly when the petitioner is a lady. She cannot be a member of an unlawful assembly and she has been falsely named in the case.

On the other hand, learned State counsel states that the petitioner was the member of an unlawful assembly and when the police party were on barricade duty at Silkho to stop illegal mining, dumpers carrying illegal mining were checked. In this process, when the dumpers were stopped, the accused on the basis of call made by about 10/12 unknown persons came there carrying lathis and dandas. They attacked on the police persons with an intention to kill them. The accused gave injuries to Constable Ajit Kumar, Constable-Sandeep, Constable-Ishwar Singh, Constable-Mithu and Head Constable Raj Kumar with an intention to kill them and ran away with their dumpers. The petitioner has also been named, as a person who is a member of that unlawful assembly and obstructed the police officials from discharge of their official duties with an intention to kill such police officials. Since the petitioner was member of an unlawful assembly and participated in illegal mining while obstructing the Govt. officials from discharge of their duties, no case is made out for anticipatory bail.

Consequently, the present petition is dismissed.

However, it is made clear that this order may not be construed to be expression of any opinion on the merits of the case and this order is only for the purpose of just decision of the bail application filed under Section 438 Cr.P.C.

March 31, 2015

Anjal

**(HARI PAL VERMA)
JUDGE**