

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

CRM-M No.21352 of 2016 (O&M).
Decided on:-28.11.2016.

Agya Pal Singh @ Ajay Pal.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. A.S. Sullar, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.

CRM-35897-2016

This is an application filed under Section 482 Cr.PC for placing on record the true copy of identity proof of the petitioner as Annexure P-3 (colly).

The document Annexure P-3 (colly) is taken on record subject to all just exceptions.

CRM stands disposed of.

CRM-M-21352-2016

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.120 dated 20.05.2016 under Sections 148, 186, 189, 332 and 353 IPC registered at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner has argued that name of the petitioner does not find mention in the FIR. His name is Agya Pal Singh, whereas one Ajay Pal @ Lali has been named in the FIR. There is delay in lodging the FIR as the alleged occurrence took place on 19.5.2016 whereas the FIR was registered by the police personnel on duty on 20.5.2016. The inordinate delay has not properly been explained. The petitioner was not present on the spot at the time of alleged occurrence. Even the Gram Panchayat especially the Sarpanch of Gram Panchayat, Masita along with Panchayat members and other residents of village have certified that no such incident, as alleged in the FIR, had taken place on 20.5.2016.

On the other hand, learned State counsel has argued that the petitioner has voluntarily caused hurt to the complainant who was a police personnel and discharging his official duty. The identity of petitioner has been established. The petitioner had pelted a stone which hit on the forehead of the complainant. He also threatened the complainant with dire consequences. The injured was shifted to Community Health Centre, Dabwali where he was given first aid. Thereafter, he was referred to General Hospital, Sirsa. Since the petitioner has given injury to public servant while on duty, he does not deserve concession of anticipatory bail. He has further contended that no advantage can be given to the petitioner for the reason that his name is Agya Pal Singh whereas the accused named in the FIR is Ajay Pal @ Lali more particularly when father's name of accused is Tejinder Singh.

I have heard learned counsel for the parties.

The solitary argument as put forward by learned counsel for the petitioner is that identity of the petitioner has not been established, cannot be accepted. In the FIR, the petitioner has been named as Ajay Pal @ Lali whereas he claims himself as Agya Pal Singh, but the fact remains that he is son of Tejinder Singh. Therefore, noticing the fact that the petitioner has caused injury on the person of complainant, who was discharging his official duty, no case for grant of anticipatory bail is made out.

The present petition is, accordingly, dismissed.

November 28, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No