

CRM-M-3392-2016 (O&M)

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

**CRM-M-3392-2016 (O&M).
Decided on: February 24, 2016.**

Baljit @ Johny

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT Mr.Vivek Goyal, Advocate, for the petitioner.

Mr.G.S.Salwara, DAG. Haryana.

M.M.S. BEDI, J (ORAL).

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Taro Devi alleging that the petitioner along with 6-7 other persons constituted an unlawful assembly and trespassed in the house of the complainant and assaulted the complainant and her brother.

Counsel for the petitioner has vehemently contended that all the offences are bailable except for offence under Section 452 IPC, which has been incorporated to give a graver look to the story of the prosecution.

With the assistance of counsel for the petitioner and State counsel assisted by the Investigating Officer SI Davinder Kumar, I have gone through the record. The serious allegations against the petitioner are that he had entered the house of the

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complainant lady and inflicted injury with a bat on her leg. The injury on the leg of Taro Devi apparently is a red blueish 4.1cm injury but the medical report indicates that she has suffered fracture of both bones.

Counsel for the petitioner has placed reliance on the MLR of the petitioner to submit that it is the complainant party which was aggressive as the petitioner had also received injury on the scapular region. He has also relied upon the MLR of Vishal and Rajo Devi. A careful perusal of the MLR of petitioner, Vishal and Rajo Devi indicates that the injuries suffered by them are bruises or complaint of pain without any external injury mark.

It will be pre-mature to give weightage to the minor bruises and complaints of pain in order to appreciate the plea of self defence raised by the petitioner and other family members. The factum of allegation against the petitioner of having entered the house of Taro Devi and infliction of grievous injury do not warrant grant of concession of pre-arrest bail to the petitioner.

Counsel for the petitioner has also placed reliance on the affidavits of the persons from the locality regarding the culpability of the complainant party. The petitioner appears to be acting oversmart by obtaining medical reports and the affidavits which are indicative of the misuse of liberty by him.

No ground is made out for the grant of pre-arrest bail to the petitioner. The petition is dismissed.

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Nothing said in this order will prejudice the right of the petitioner to seek concession of regular bail.

February 24, 2016.
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(M.M.S. BEDI)
JUDGE