

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

CRL. MISC. No.M-34575 OF 2016
DATE OF DECISION : 10TH NOVEMBER, 2016

Mamman Khan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. A.P. S. Deol, Senior Advocate with
 Mr. Himmat Singh Deol, Advocate for the petitioner.

 Mr. Arjun Singh Yadav, AAG, Haryana.

 Mr. Sunil Panwar, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.348 dated 20.06.2016 registered under Sections 148, 149, 323, 324, 379-B, 427, 452 & 506 IPC (Section 325 and 307 IPC added later on) at Police Station Sohna, District Gurgaon.

Heard learned counsel for the rival parties.

Learned counsel for the complainant rightly pointed out that the petitioner indulged in misrepresentation before the trial Court. He further submitted that the Note 1 to this petition is contrary to the record and, therefore, this is again a misrepresentation. However, I do not agree with the second submission, inasmuch as the petitioner has included the order in question about which grievance is made by learned counsel for the complainant. Perusal of the facts shows that there was free fight between two groups. May be that the petitioner side was guilty by initiating the quarrel but then both sides received

injuries and some of the persons from the group of the petitioner have been arrested. In my opinion, no useful purpose would be served in allowing arrest of the petitioner.

This court vide order dated 28.09.2016 had issued ad interim order in favour of the petitioner. Pursuant to which the petitioner has joined the investigation and recovery of ₹3000/- has also been made as stated by learned State counsel.

In the light of the above factual matrix, I think the interim order dated 28.09.2016 is required to be confirmed. Ordered accordingly.

However, since, the petitioner has indulged in the misrepresentation before the trial Court, the petitioner shall pay costs in the sum of ₹10,000/- to the complainant within a period of eight weeks from today and obtain receipt. Failure to pay ₹10,000/- within prescribed period, shall result in vacation of this order.

10TH NOVEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE