

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

Sr. No.102

CRM NO. M-43903 of 2016
DECIDED ON: December 08, 2016

KALLU

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mohammad Arshad, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail feeling apprehension of his arrest in case FIR No.105, dated 14.07.2016, under Sections 148, 149, 323, 452, 506, 307 IPC and Section 25 of the Arms Act, registered at Police Station Bahin, District Palwal, during the pendency of trial.

The allegations in brief against the petitioner are that he accompanied with his cronies while armed with deadly weapons i.e. guns, country made pistol, farsa, ballams, lathi etc. opened an attack on the complainant party. In pursuance of which, as many as 14 persons sustained injuries; besides the bullet injuries. Since the petitioner also *prima-facie* participated in the occurrence, he does not deserve the concession of pre-arrest bail. Rather, this court is of the considered view that custodial interrogation of the petitioner is necessary to bring the true facts to fro and

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in the absence of his custodial interrogation, investigation of this case is likely to be stultified.

In view of gravity of offences complained of against the petitioner, no case is made out to exercise the discretionary powers, as envisaged under Section 438 Cr.P.C.

Dismissed.

December 08, 2016
Sham/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No