

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

CRM-M-10951 of 2017 (O&M)

Date of decision: 25.04.2017

Bholu @ Pardeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Aman Pal, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No. 288 dated 07.05.2016, registered under Sections 148, 323, 324, 325, 452, 307 read with Section 149 of IPC and Section 25 of Arms Act, at Police Station PGIMS Rohtak, District Rohtak.

It is contended that the petitioner has been falsely implicated in the instant case on the basis of mistaken identity as in the FIR, he has been shown to be resident of village Madeena, Rohtak, whereas the petitioner is a resident of village Mehanda, Hisar. He further states that the petitioner is ready to join the investigation. Co-accused Ajay @ Sonu, Sahil and Vikash @ Teenu have already been admitted to regular bail by this Court.

On the other hand, the learned State counsel opposes the bail application and states that an active role has been played by the petitioner in the commission of crime.

Heard.

As per record, the petitioner has been specifically named in the FIR with the allegation that the petitioner stabbed in the stomach of the complainant with knife and his other companions also gave injuries to him inside the hostel of MDU, Rohtak. The FIR was registered on 07.05.2016 and since then, the petitioner instead of surrendering to the process of the Court has been evading his arrest and has opted to file the present petition. The role of petitioner is not at par with co-accused Ajay @ Sonu, Sahil and Vikash @ Teenu who have been granted regular bail, since the injury attributed to the petitioner falls under the ambit of Section 307 of IPC. Keeping in view the above, no case for pre-arrest bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

25.04.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No