

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

**CRM-M No.22779 of 2017
Date of Decision : 03.08.2017**

Parveen and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Bhupender S. Saroha, Advocate
for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail on behalf of the petitioners, namely, Parveen, Sonu and Mukesh Kumar, who are the accused in FIR No.40 dated 10th February, 2017, registered under Sections 307, 323, 34 IPC read with Section 25 of the Arms Act, 1959 (Section 307 IPC stood re-added along with Sections 285 & 201 IPC later on) at Police Station Safidon, District Jind.

At this stage, Mr. Rajbir S. Arya, Advocate has put in appearance on behalf of the complainant and filed his *vakalatnama* today in the Court. The same is taken on record, subject to all just exceptions.

The allegations in the FIR reveal that a brawl had broken out between the complainants' side and that of petitioner No.2 starting from a relatively minor issue of creating noise in starting the motor-cycle by the said petitioner, which disturbed the complainant, who was unable to hear the phone call which he was attending at the relevant time. The brawl subsequently ended with alleged firing imputed to any one of the accused persons causing injury to the victim on account of which, initially Section 307 IPC was invoked in the FIR. It was, however, dropped at a later stage, on the basis of the initial MLR of the victim, but subsequently re-added in the wake of another report drawn up by the local Medical Centre at Safidon.

It transpires from the record that petitioners No.1 and 2 were initially arrested in the case on 11th February, 2017, after which they remained in detention for more than two months till their release on bail by the Ld. Trial Court on 25th April, 2017. They, however, have sought anticipatory bail again from this Court in view of the subsequent re-addition of the offence under Section 307 IPC.

Perusal of the Medical Report dated 21st April, 2017 unambiguously goes to reveal that there is no evidence of gun-shot, bullet or pellet, as alleged in the FIR, even though the injury suffered by the victim has been described as being “grievous in nature”. Admittedly, no weapon of offence has been recovered in the case till

date, although the investigation is reported to have been otherwise completed and is awaiting submission of challan.

In the given circumstances, this Court finds no tangible grounds to justify detention of the petitioners, accordingly, considering that petitioners No.1 and 2 have already undergone detention in excess of two months.

It has been noted in the order passed by the Ld. Sessions Judge-cum-Vacation Judge, Jind on 21st June, 2017 (Annexure P-3) that two more FIRs are pending against petitioner No.3. But mere pendency of those cases in which he is admittedly on bail, would not justify his detention in the present case.

For the aforesaid reasons, the interim bail granted to the present petitioners vide order dated 28th June, 2017 is hereby, confirmed.

(SUDIP AHLUWALIA)
JUDGE

August 03, 2017
Dpr

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No