

205.

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

CRM-M-39329-2017

Date of decision:19.12.2017.

BAL KRISHAN & ANR

... Petitioners

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jagmohan Ghumman, Advocate,
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

Mr. Rajat Pabbi, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 438 read with Section 482 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.278 dated 16.09.2017 under Section 506 of IPC, Section 3 of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 25 of Arms Act, 1959, registered at Police Station Farrukh Nagar, District Gurugram.

Power of attorney filed on behalf of complainant in court today, is taken on record.

Learned counsel for the petitioners states that so far as the offences under Section 3 of ST & ST Act are concerned, these offences are not made out for the reason that the alleged words were never uttered in the public view. He further states that since no firearm injury has been caused to any person with the weapon and the allegation under Section 25 of the Arms

On the other hand, learned counsel appearing on behalf of the complainant states that the petitioners have entered into the house of complainant during night and though there was a CCTV coverage, the same was not visible in the CCTV camera as it was night time. However, audio recording was available.

Learned State counsel states that the petitioners are not cooperating with the investigation as the firearm is required to be recovered.

I have heard learned counsel for the parties.

As per the nature of allegation and when no injury has been caused to any person with the alleged weapon, the order dated 13.10.2017 passed by this Court is made absolute.

Accordingly, present petition is allowed.

However, if required, the petitioners shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

(HARI PAL VERMA)
JUDGE

19.12.2017
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.