

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

CRM-M-42337 of 2016
Date of Decision: 04 July, 2017

Don Bharti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vikasdeep Singh, Advocate
for the petitioner.

Mr. H.S.Grewal, Addl. A.G. Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner-Don Bharti in this anticipatory bail application under Section 438 Cr.P.C are that he along with his co-accused/non-applicants Manish, Ralu Debin @ Rooba, Ashi and 5-6 other persons armed with deadly weapons were terrorising the people in the area upon which on receipt of message the Police party headed by ASI Mulkh Raj rushed to the spot and it is alleged that the petitioner's side had assaulted them leading to injuries to two persons namely HC Sunit Aray and ASI Mulkh Raj.

Learned counsel for the petitioner has contended that only simple injuries are attributed to the petitioner and no offence under Section 307 IPC is made out and that nothing is to be recovered from the petitioner.

Learned State counsel has sought to oppose the grant of bail to the petitioner on the grounds that Police officials rushed at the

spot as a security measures to thwart any untoward incident and in discharge of their official duty have been attacked by the petitioner's side and, thus, the seriousness of the allegations disentitles the petitioner to any relief.

Appreciating the submissions, though, only simple injuries have been caused and that offence under Section 307 IPC is a debatable issue but having regard to the fact that the petitioner has assaulted the Police officials, who have acted in discharge of their official duty and keeping in view the growing tendency of such mob frenzy, whereby, people are taking law in their own hands and intimidating law enforcing agency and that the weapons of the offence are yet to be recovered no ground to grant bail to the petitioner is made out.

Dismissed.

July 04, 2017

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(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No