

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

CRM No.M-4169 of 2017 (O&M)

Date of decision: February 21, 2017

Mubarik Ali

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Pradeep Virk, Advocate for the petitioner.

Mr. P.K.Aggarwal, DAG, Haryana.

Mr. Mohd. Arshad, Advocate for the complainant.

INDERJIT SINGH, J.

Petitioner-Mubarik Ali, has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.258, dated 19.07.2015, registered at Police Station Tauru, under Sections 148, 149, 323, 325, 307, 452, 395, 397 and 506 of Indian Penal Code and Section 25 of Arms Act.

Notice of motion has been issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and Mr. Mohd. Arshad, Advocate has put in appearance on behalf of the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that there are large number of accused in

this case. As per prosecution version, 25 persons have sustained injuries in

this case. The present petitioner is stated to be son-in-law of Chhotte Bai and has given lathi blow on the head of the complainant.

Learned counsel for the petitioner argued that the present petitioner is son-in-law of Chhotte Bai, who is also accused in this case. The petitioner is stated to be residing at a distance of more than 50 kms. He being the advocate was pursuing the case of other accused and has been falsely involved in this case. He also argued that there is no corresponding injury to the complainant as per the copy of MLR, which has been placed on record. Further, from the copy of order dated 05.07.2016 (Annexure P-4), I find that the petitioner has appeared as an Advocate for the petitioner in that case. The present petitioner has been declared 'proclaimed offender' by the learned trial Court during the pendency of the proceedings before this Court and this anticipatory bail application has been filed earlier to the declaration of proclamation order.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. It is ordered that in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

February 21, 2017

rajesh k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes
: No