

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

**Crl. Misc. No.M-5501 of 2017 (O&M)
Date of Decision: September 27, 2017**

Aslam @ Pappu and others

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.A.Yadav, Advocate
for the petitioner (s).

Mr. Ashish Yadav, Addl. AG, Haryana.

Mr. S.K.Yadav, Advocate for
Mr. A.K.Bishnoi, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No. 1 dated 02.01.2017 registered for the offences punishable under Sections 323, 326, 506 read with Section 34 of Indian Penal Code at Police Station Pataudi, District Gurugram.

Heard.

As per the allegations in the FIR, a quarrel between Sajid i.e brother of complainant and neighbour Sonu son of Aslam @ Pappu took place on 25.11.2016. The complainant gave two slaps and separated them.

Thereafter, petitioners Jahir, Majid and Aslam@ Pappu accompanied by

Kala son of Pappu came to the house of complainant. Jahir caught the complainant while Kala gave *danda* blow on the right eye of complainant, as a result of which he fell on the ground. Majid gave brick-bat blow on the left leg of the complainant, who raised 'raula'. The injuries were also caused to the mother of the complainant by the accused.

Learned State counsel has argued that though no injury has been attributed to Aslam @ Pappu in the FIR, the mother of the complainant in her statement attributed fists and kick blows by him to her.

Learned counsel for the complainant submits that the complainant suffered severe injury in his right eye and lost his vision. Bail was allowed to Kala son of Pappu as the Medical Officer was on leave and medical report could not be placed on record. The complainant is still under treatment and has lost total vision of his right eye and the application seeking cancellation of bail allowed to Kala son of Pappu has been filed separately.

Petitioner Aslam @ Pappu has been attributed kicks and fists blow to the mother of the complainant while Jahir has not been attributed any injury. The allegations against him is that he caught the complainant and Majid has been attributed brick-bat blow to him. There were two injuries on the person of the complainant and one injury on the person of his mother. So far as the case of grant of bail to Kala son of Pappu is concerned, the same will be decided separately.

Keeping in view the fact that the matter is still under investigation, this petition is allowed and the petitioners are directed to surrender before the police and join investigation within a week. In the

event of their arrest being required, they shall be released on pre arrest bail till the presentation of challan, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall loose the benefit of bail allowed to them and will seek regular bail on presentation of challan.

It is, however, made clear that in the event the petitioners failing to join the investigation, as and when so required, they will loose the benefit of pre-arrest bail allowed to them.

September 27, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***