

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-1439-2017

Date of Decision: April 03, 2018

Satpal and another

.....Petitioner(s)

versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. J.P. Sharma, Advocate for the petitioners.

Mr. Nishchal Mann, DAG, Haryana.

Mr. S.P. Chehar, Advocate for respondent No.2.

Sudhir Mittal, J. (Oral)

Reply by way of an affidavit of respondent No.2 has been filed in Court today and the same is taken on record.

2. The petitioners have filed this petition for cancellation of anticipatory bail granted to respondent No.2 by the Additional Sessions Judge, Gurgaon, vide order dated 27.10.2016 (Annexure P-2).

3. As per the case of the prosecution, respondent No.2 and others attacked the petitioners and others on account of dispute regarding raising of common wall. As a result of the fight, some members of the complainant party suffered injuries. Initially FIR under sections 147/149/323/452/427 IPC was registered. Subsequently, due to ' Peritoneal homotoma ' suffered by one of the injured persons, section 307 IPC was added as the doctor opined that the said injury was dangerous to life.

However, respondent No.2 is neither attributed any specific injury nor is stated to have been armed with any weapon.

4. Learned counsel for the petitioners has contended that section 307 IPC is involved and therefore, respondent No.2 should not have been granted anticipatory bail.

5. Learned counsel for respondent No.2, however, submits that a cross case has been registered against the petitioners no specific role has been assigned to respondent No.2. There is also no allegation that he has violated any condition of bail. Thus, there is no reason to cancel his bail.

6. Learned State counsel does not dispute the fact that after interim protection was granted by the learned trial Court, the petitioner had joined investigation and had been cooperating therewith. It is also not disputed that respondent No.2 has not violated any condition of bail.

7. Keeping in view the fact the respondent No.2 has not violated any condition of bail and that no specific role has been assigned to him in the incident, it would not be in the interest of justice to cancel the anticipatory bail granted to him. Mere addition of offence under section 307 IPC in the FIR is not sufficient.

8. There is no merit in this petition and the same is dismissed.

April 03, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No