

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

CRM-M-17022-2018 (O&M)

Date of Decision:04.05.2018

Afzal

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Vineet Kumar, Advocate,
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (Oral)

By this petition the petitioner seeks the concession of anticipatory bail, he having been arraigned as an accused in FIR no.349 dated 02.05.2017, registered at Police Station Sarai Khawaja, Faridabad, alleging therein the commission of offences punishable under Sections 147/149/323/325/506 IPC.

As per the case of the complainant, the petitioner and his co-accused attacked him with a *danda* and iron rods, with the petitioner first having given a *danda* blow on the head of the complainant, with the other accused having hit him thereafter with iron rods on his feet.

On the last date of hearing learned counsel for the petitioner had been directed to place on record the MLR in respect of the injuries received by the complainant, which he has now very fairly done.

A perusal of the said MLR (sought to be placed on record as Annexure P-5 with the petition), there are three injuries, one on the right leg, one on the left elbow and one on the scalp of the complainant, with

one of the injuries found to be grievous in nature.

Though learned counsel for the petitioner has drawn attention of this Court to FIR no.866 dated 20.12.2016, also registered at the same Police Station at the instance of the petitioner (against the complainant in the FIR now in question), alleging therein the commission of offences punishable under Sections 323/427/506 IPC, that, in the opinion of this Court, would not justify the complainant in the present case (Mohd.Mahfooz), being attacked about 4 ½ months later by the petitioner and his accomplices, with iron rods and a *danda*.

Consequently, even while making no comment on the actual involvement/non-involvement of the petitioner in the attack on the complainant and infliction of injuries upon him as has been alleged, which would be a matter to be gone into by the investigating agency and the competent Court at the appropriate stage, on the basis of evidence gathered/led, I do not think it is an appropriate case to grant anticipatory bail, with a grievous hurt also stated to have been inflicted on the complainant with a *danda*/iron rod.

Consequently, this petition is dismissed.

May 04 , 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO