

it is a case of version and cross-version and name of petitioner No.2 was not mentioned in the FIR, whereas, both the facts have not been averred correctly as no cross-version is there and petitioner No.2 is named indirectly as one of the unknown person. Meaning thereby, interim order was passed on the basis of wrong averments made by learned counsel for the petitioner. In para No.4 of the petition, it is mentioned that it is a case of version and cross-version. In para No.5, it has been mentioned that no injury has been attributed to petitioner No.2 and only one injury has been attributed to petitioner No.1, which is simple in nature. In para No. 6 of the petition, it has been mentioned that both the sides have received injuries and it is to be seen during trial as to which of the party was more aggressive.

Not only in the arguments advanced at the time of issuing notice of motion but in the main petition as well certain averments have been made, which amounts to concealment and misrepresentation of facts. The discretionary relief of anticipatory bail cannot be granted to a person, who has mentioned wrong facts for getting interim bail.

Accordingly, the present petition being devoid of any merit is dismissed.

September 27, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No