IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25588 of 2018 (O&M)
Date of Decision: 06.07.2018

Manish and another ....Petitioners

VERSUS

State of Haryana ....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Pooja Aganpal, Advocate
for Mr. G.S. Sullar, Advocate
for the petitioners.

Ms. Dimple Jain, AAG, Haryana.

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SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 536 dated 28.05.2018 registered for offences punishable under Sections 323/452/506/34 of Indian Penal Code, at Police Station City Ballabgarh, District Faridabad.

Heard.

As per allegations in the FIR, complainant was going on his scooty towards *sabji mandi*, Ballabgarh. His scooty hit the front bumper of car, which had been parked on the road. When he returned from *sabji mandi*, petitioners came to his house and complained about breaking of bumper of their car. The complainant assured that he will get the bumper repaired but both the petitioners got enraged and caught the complainant. Petitioner no. 2-Ashish Kumar gave fist blows on head of complainant. He then took iron rod from petitioner no. 1-Manish and gave blows on head and left leg of complainant, resulting in fracture of the same. Both of them also

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slapped Ekta, daughter of complainant.

As per medicolegal report, there was fracture lower shaft of femur and fracture patella suffered by the complainant.

Learned counsel for petitioners submits that petitioner no. 1-Manish had also suffered injuries in the occurrence. She further submits that petitioners are readily available to join the investigation and their custodial interrogation is not required. In support of her contention, she has relied on observations of Hon'ble Apex Court in case of ***Bhagirathsinh Judeja vs. State of Gujarat, 1984 (1) SCC 284***.

Observations in above referred case are on the application filed for seeking regular bail under Section 439 Cr.P.C., as such, are not relevant in this case.

Keeping in view gravity of offence and that complainant, who is an old person, was caused serious injuries after entering his house, I find no reason to exercise discretionary power of this Court to extend the benefit of anticipatory bail to petitioner no. 2-Ashish Kumar, as such, the instant petition qua him is dismissed.

However, keeping in view role of petitioner no. 1-Manish, the present petition is allowed qua him. He is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on anticipatory bail subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall loose the benefit of interim bail allowed to him.

It is, however, made clear that in the event of petitioner not

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surrendering before the investigating officer within two weeks, the order allowing bail to him shall stand withdrawn automatically.

July 06, 2018 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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