

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2594 of 2018

DATE OF DECISION: JANUARY 24, 2018

GANGA RAM

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

PRESENT: MR. SANDEEP KOTLA, ADVOCATE FOR THE PETITIONER.

MAHABIR SINGH SINDHU, J.

Petitioner Ganga Ram has filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail. Notice of the same was issued to the State on 22.1.2018. Learned counsel for the petitioner has contended that the offence is only under Sections 454 and 323 IPC and there was no allegation in the FIR that any injury was caused either to the complainant or to his wife.

On the other hand, learned State counsel on instructions from ASI Raj Kumar, Investigating Officer, Police Station City Bahadurgarh, Distrit Jhajjar has contended that the petitioner criminally trespassed into the complainant's house and when incidentally he was spotted by the wife of the complainant, then he not only tried to run away, but caused injuries to the complainant as well as his wife.

Heard both sides and perused the paper-book.

A perusal of the paper book reveals that the occurrence in this case has taken place at 10.30 p.m. on 10.1.2018 and the matter was reported

to the police immediately in the night at 2.00 a.m. on 11.1.2018. Thereafter, on the same date, i.e. 11.1.2018 at 11.30 a.m., the complainant as well as his wife were put to medico-legal examination which reveals that the complainant has suffered two tooth-bite injuries and his wife suffered three injuries on her neck, left side of the face and hand, at the hands of the petitioner. Therefore, the contention of the learned counsel for the petitioner that no injury was caused to anyone is factually incorrect. The petitioner has committed a daring act by entering into the house of the complainant at 10.30 p.m. on 10.1.2018 with an intention to cause hurt and inflicted injuries to both husband and wife. Very promptly the matter was reported to the police and the MLR was conducted. Therefore, *prima facie*, it seems that the occurrence has in fact taken place and such type of activities are menace to the society which should be curbed at the very threshold, so that a sense of security may prevail amongst the society.

In view of the above, no concession of pre-arrest bail can be granted to the petitioner as his custodial interrogation is necessary.

Consequently, the prayer for grant of pre-arrest bail is rejected and the petition stands dismissed.

January 24, 2018
Gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether Reportable : Yes

Whether Speaking/Reasoned : Yes