

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

**CRM-M No.28400 of 2018 (O&M)
Decided on: 16.07.2018**

Tasim

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Inderjeet Singh, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-23921-2018

Heard.

Allowed as prayed for.

The order dated 05.07.2018 is taken on record as Annexure
P6.

CRM-M-28400-2018

Prayer in this second petition is for grant of anticipatory
bail to the petitioner in FIR No.2 dated 11.01.2018 registered under
Sections 148, 149, 323, 307, 325, 452 and 506 IPC at Police Station
Khizrabad, District Yamuna Nagar.

The first bail application of the petitioner i.e. CRM-M
No.27489 of 2018, was dismissed on 05.07.2018 by passing the
following order:-

*“After arguing for some time, counsel for the
petitioner finding that the Court is not inclined to grant*

any relief of bail, seeks permission to withdraw this petition.

Dismissed as withdrawn.”

Notice of motion.

Mr. Himmat Singh, DAG, Haryana accepts notice on behalf of the respondent while Mr. Karan Singh, Advocate, who is present in the Court, has appeared on behalf of the complainant.

Counsel for the petitioner has submitted that as per the allegation in the FIR, the petitioner is attributed an injury on the forehead of the wife of the complainant namely Rubina. It is further submitted that though in the FIR, the complainant – Jahangir son of Akbar has stated that the petitioner has given a lathi blow on the left eye of his wife, however, in the statement recorded under Section 161 Cr.P.C, there is no specific attribution to the petitioner by injured – Rubina. It is further submitted that since this fact could not be brought to the notice of the Court, therefore, the second application for anticipatory bail is maintainable.

Counsel for the petitioner has also submitted that the custodial interrogation of the petitioner of the petitioner is not required as it will be seen only during the course of trial as to whether the petitioner was attributed any injury or not. It is further submitted that in the statement of the complainant, he has tried to rope in number of persons.

In reply, counsel appearing for the complainant has opposed the prayer for bail on the ground that the second bail application of the petitioner is not maintainable as there is no change of

circumstances. It is further submitted that as per the MLR of injured – Rubina, the following injury was found:-

“Lacerated wound of size 3 cm x 0.8 cm present on the left frontal region of skull. Color is pinkish. Surgeon opinion.”

Counsel for the complainant has, thus, submitted that the injury, which is sustained by injured – Rubina is duly corroborated from the medical evidence and as per the FIR, the petitioner was attributed this injury.

Counsel for the complainant has also submitted that the regular bail of the co-accused Salim has already been dismissed and as per the allegation, the petitioner was called on his asking and number of persons, forcibly entered into the house of the complainant and thrashed the entire family members including the ladies, who received injuries and later on, they were medico legally examined. It is further submitted that initially the FIR was registered under Sections 148, 149, 320, 452 and 506 IPC, however, during the investigation and on the basis of the medical opinion, Sections 325 and 307 IPC was also added.

Counsel for the complainant has further argued that the petitioner is son of the main accused – Salim, who bail application has already been dismissed and, therefore, the custodial interrogation of the petitioner is required.

After hearing the counsel for the parties, I find no ground to entertain the second application of the petitioner for grant of anticipatory bail as the earlier one was dismissed on 05.07.2018 and there are no change in the circumstances.

16.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No