

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

CRM No.M-35297 of 2017 (O&M)

Date of Decision: August 20, 2018

Dharambir and another

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Abhimanyu Singh Tanwar, Advocate
for the petitioners.

Mr.B.S.Virk, DAG, Haryana
for the respondent-State.

Mr.Chanderhas Yadav, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.286 dated 05.09.2017 under Sections 148, 149, 323, 324, 341 and 506 IPC (Section 326 IPC added later on), registered at Police Station Sadar, District Narnaul.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that petitioners are named in the FIR. As per the allegations, Dharambir was armed with *bakri* and he caused simple injury on the left side of forehead of the complainant. Petitioner Chhote Lal was stated to be armed with sword and he gave grievous injury

under Section 326 IPC on the wrist of the complainant.

Learned counsel for the petitioners argued that petitioners were serving in Army/Paramilitary Unit and they were on their duty. Learned State counsel as well as learned counsel for the complainant argued that place of occurrence is at a distance of two hours travel time from the workplace of petitioners and occurrence had taken place at about 9.00 p.m. and the petitioners can easily come at the place of occurrence after doing their duty.

After hearing the parties, I find that petitioners are taking the plea of *alibi*, which is to be proved before trial Court, by producing defence evidence.

The petitioners are named in the FIR. They were stated to be armed with deadly weapons, grievous injury is attributed to petitioner Chhote Lal whereas simple injury on vital part of the body has been attributed to petitioner Dharambir.

Keeping in view the facts and circumstances of the present case and in view of the nature and gravity of the offence, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I do not find it a fit case where petitioners are entitled to benefit of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

The order dated 09.10.2017 granting interim bail to the petitioners stands vacated.

August 20, 2018
Vgulati

(INDERJIT SINGH)
JUDGE
Yes
No

Whether speaking/reasoned
Whether reportable