In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-42359 of 2018

.....

Date of decision:10.12.2018

Salamudeen

...Petitioner

v.

State of Haryana and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana for respondent No.1-State.

Mr. Farukh Abdullah, Advocate for respondents No.2 to 5.

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Inderjit Singh, J.

Status report of Shri Ashok Kumar, HPS, Deputy Superintendent of Police, Punhana, on behalf of respondent No.1-State has been filed by in the Court today which has been taken on record.

The petitioner has filed this petition under Section 439(2) Cr.P.C. for cancellation of anticipatory bail granted to accused-respondents No.2 to 5 by learned Additional Sessions Judge, Mewat, vide order dated 19.7.2018 (Annexure-P.3) and order dated 13.8.2018 (Annexure-P.4) in case FIR No.167 dated 18.6.2018 for the offences under Sections 148, 149, 285, 323, 324, 452 and 506 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Punhana, District Nuh.

Notice of motion has been issued in this case.

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Mr. Tanuj Sharma, learned Assistant Advocate General, Haryana has appeared on behalf of the respondent No.1-State and Mr. Farukh Abdullah, learned Advocate has appeared for respondents No.2 to 5 and contested this petition.

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

Learned counsel for the petitioner argued that the accused-respondents No.2 to 5 are named in the FIR and have played active role and the case is under Section 307 IPC also, therefore, the anticipatory bail granted by the learned Additional Sessions Judge, Mewat, to the private respondents No.2 to 5 should be cancelled.

A perusal of the record shows that though the present private respondents No.2 to 5 are named in the FIR, but 22 persons are stated to have attacked the complainant and his family members etc. Some persons have fired from the fire arm weapons also, but none of the private respondents No.2 to 5 were having any fire arm weapon. General allegations have been levelled in the FIR that the accused and all other co-accused were armed with Lathis, Dandas, iron rods, Chantiya, country made pistol etc. No specific injury has been attributed to respondents No.2 to 5. They have already joined the investigation and keeping in view these facts that the recovery of the weapons of offence has already been effected from them as recorded by learned Additional Sessions Judge, Mewat in his order dated 13.8.2018 (Annexure-P.4) and granted them the benefit of anticipatory bail. It has also been stated that indiscriminate firing had resulted in injuries on the persons of complainant and his wife. Respondents No.2 to 5 did not

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carry a firearm and they are not stated to be armed with fire arm weapons. A perusal of the orders shows that the same have been passed by the learned Additional Sessions, Mewat, as per law and no illegality has been committed in these orders, hence, no ground is made out for cancellation of anticipatory bail granted to respondents No.2 to 5.

Therefore, from the above facts, I find no merit in the present petition and the same is dismissed.

December 10, 2018. **(Inderjit Singh)**
Judge

hsp

NOTE: Whether speaking/reasoned: Yes
Whether reportable: No

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