

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-48678 of 2018

Date of decision:2.11.2018

Hasan

...Petitioner

v.

State of Haryana and another

...Respondents

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

.....

Present: Mr. Satish Chaudhary, Advocate for the petitioner.

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**Inderjit Singh, J.**

The petitioner has filed this petition under Section 439(2) read with Section 482 Cr.P.C. with a prayer for quashing the impugned order dated 31.8.2018 (Annexure-P.2) passed by the learned Additional Sessions Judge, Mewat, vide which application under Section 438 Cr.P.C. in case FIR No.421 dated 16.11.2017 registered for the offences under Sections 148, 149, 323, 325, 307 and 302 IPC and Section 25 of the Arms Act at Police Station Punhana, District Mewat, filed by respondent No.2 has been allowed despite being declared proclaimed offender and the order dated 9.7.2018 passed by learned Judicial Magistrate Ist Class, Ferozepur Jhirka, Nuh (Annexure-P.1) are liable to be set aside being absolutely illegal, erroneous, improper and unjust against law and facts.

I have heard learned counsel for the petitioner and have gone

through the record.

From the record, I find that the learned Additional Sessions Judge, Mewat, granted anticipatory bail to accused Rajida alias Rajji (respondent No.2 herein), who had filed an application through her guardian and next friend by stating that her age at the time of occurrence was 15 years and 6 months. It has also been stated in the application that no specific role has been attributed to her.

The learned Additional Sessions Judge, Mewat, granted the benefit of anticipatory bail to Rajida alias Rajji (respondent No.2) daughter of Samsu.

A perusal of the record shows that the present respondent No.2 is stated to be of young age though the Court below is showing her age of about 18 years. In the present case, Javed and one person had died and one has received injuries. In the FIR, no specific weapon nor any specific injury has been attributed to Rajida alias Rajji. The deceased had died due to gun shot injuries not attributed to the private respondent No.2. She was stated to be armed with a 'Danda' and has given simple injury to the witness as per statement recorded under Section 161 Cr.P.C. of witness.

The learned Additional Sessions Judge, Mewat, after discussing all these facts granted the benefit of anticipatory bail to respondent No.2 correctly. In no way, it can be held that the learned Additional Sessions Judge has passed illegal order. Rather, the learned Additional Sessions Judge, Mewat, has passed the impugned order correctly in the facts and circumstances of the case.

Therefore, from the above discussion, I find that no illegality has been committed by the Court below while granting anticipatory bail nor, in any way, it can be held that it has resulted into injustice.

Therefore, from the above, finding no merit in this petition, the same is dismissed.

November 2, 2018.

**(Inderjit Singh)**  
**Judge**

\*hsp\*

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |