

Crl. Misc. No. M-11413 of 2019

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-11413 of 2019

DATE OF DECISION:20.03.2019

Ajay

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Ravinder Malik, Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

DAYA CHAUDHARY, J.

The present petition under Section 438 Cr.P.C. has been filed by petitioner-Ajay for grant of anticipatory bail to him in case FIR No. 875 dated 21.12.2018 registered under Sections 148,149,323,324,341,506 IPC and Section 326 IPC (added lateron) at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case because of previous litigation. Learned counsel further contends that false medical report has also been got prepared under the influence of Inspector Vivek. Complainant has alleged that as per MLR, injury No.1 has been caused by the petitioner by giving a gandasi blow upon his head, however, the depth of wound is only one cm.

Learned counsel also contends that the complainant got himself examined

after six hours of the incident, which clearly shows that it is a case of self-inflicted injury. It is also the case of the petitioner that prior to lodging of the present FIR, a representation was made by father of the petitioner stating therein that there is a possibility of implicating his son in a false case. Statement of Vivek, who is Inspector in Haryana Police and presently posted in CIA Staff was got recorded after a period of four days of the incident with improved version. Co-accused of the petitioner have approached this Court by way of filing different petitions i.e. Crl. Misc. No. M-125 of 2019 and Crl. Misc. No. M-2586 of 2019 and their arrest was stayed.

Learned counsel for respondent-State has opposed the submissions made by learned counsel for the petitioner and contends that the petitioner is the main accused and has caused injury on the head of the injured, which is grievous in nature as has been reflected in the MLR.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

Keeping in view the role of the petitioner and nature of the injury caused, which is on the head of the complainant, the petitioner does not deserve the concession of anticipatory bail. The petitioner also cannot claim parity with co-accused, who have been released on bail.

Dismissed.

At this stage, learned counsel for the petitioner contends that the petitioner is ready to surrender before the trial Court/Illaq Magistrate and want to move an application for grant of regular bail there. He also prays that a specific direction may be issued to the trial Court/Illaq

Magistrate to consider his application within some stipulated period.

Keeping in view the submissions made by learned counsel for the petitioner, in case the petitioner surrenders before the trial Court/Illaq Magistrate within a period of one week from the date of receipt of a certified copy of the order and moves an application for regular bail, the trial Court/Illaq Magistrate is directed to decide the same in accordance with law within a period of one week thereafter.

March 20, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No