

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Criminal Misc.-M No.43952 of 2018 (O&M)
Date of Decision: January 24, 2019.

Alla Diya and othersPetitioners
versus
State of HaryanaRespondent

[2] Criminal Misc.-M No.53038 of 2018 (O&M)
Date of Decision: January 24, 2019.

Alla BandaPetitioner
versus
State of HaryanaRespondent

CORAM: HON'BLE MR.JUSTICE GURVINDER SINGH GILL.

Present: Mr.Sanpreet Sandhu, Advocate, for the petitioners

Ms.Aditya Girdhar, AAG, Haryana.

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Gurvinder Singh Gill, J. (Oral)

This order shall dispose of the above mentioned two petitions filed on behalf of the petitioners seeking grant of anticipatory bail in case FIR No.410 dated 28.07.2018 registered under Sections 148, 149, 323, 506 and 452 IPC at Police Station City, Yamuna Nagar.

The FIR in the present case was lodged at the instance of complainant-Tasim, wherein it is alleged that on 25.07.2018 when he was present at his house at 12.30 noon, then he noticed two persons, namely, Alla Diya and Nasim entering inside his house by jumping main gate and immediately after entering his house, they unbolted the main gate of the house and then 10-15 other boys including Aslam, Lala, Alla Banda, Alla Rakha etc., who were carrying sticks, iron rods and iron pipes etc., entered inside his house and attacked him with their respective weapons. It is

alleged that Aslam gave stick blows below his legs; Alla Diya inflicted stick blows on his left leg. Alla Rakha is also stated to have given stick blows on his right foot. It is further alleged that Alla Banda and Gunga also gave iron rod blows on his legs, thereby causing severe injuries on his legs and feet. It is further alleged that other accomplices of the accused gave kicks and sticks blows to the complainant.

Learned counsel for the petitioners submits that they have been falsely implicated in the present case and even if the allegations of causing injuries are taken to be true, still the same would constitute bailable offences only except the offence under Section 452 which has been added in order to make out a case of non-bailable offence.

Opposing the aforesaid submissions, the learned State counsel submits that since the petitioners have been specifically named in the FIR, therefore, no case to grant them anticipatory bail is made out.

Having considered rival submissions and upon finding it to be a case where simple injuries are alleged to have been caused on legs and foot on the complainant and also that the petitioners have already joined the investigation, this Court is of the opinion that it is a fit case for grant of anticipatory bail. The petition, as such, is allowed. The interim directions are hereby made absolute. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions are provided under Section 438(2) Cr.P.C.

January 24, 2019
mohinder

(GURVINDER SINGH GILL)
JUDGE