

CRM-M-21304-2019

Date of Decision : 04.06.2019

Ajay Ahuja

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. N.S. Shekhawat, Advocate
for the petitioner.Mr. Amrik Narwal, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Mr. Keshav Pratap Singh, Advocate puts in appearance on behalf of the complainant and filed power of attorney which is taken on record.

This order shall dispose off first anticipatory bail application filed by petitioner-Ajay Ahuja under Section 438 Cr.P.C in a case bearing FIR No.0198 dated 21.04.2019 filed under Sections 323/452/504/506/34 of the Indian Penal Code registered at Police Station Ambala Cantt (Annexure P-1).

The allegations against petitioner-Ajay Ahuja have come about

on the statement of injured/complainant-Kamal Luthra. In his complaint, the complainant alleges that on 21.04.2019, accused/petitioner-Ajay Ahuja along with his nephew, Ashwani Ahuja, entered the shop of the complainant and threatened him of elimination. It is subsequent thereto, the complainant alleged that the petitioner has picked up the chair, lying at the shop and gave a blow hitting on the head of the complainant and thereafter, the workers of the complainant intervened and at that juncture, accused/non-applicant-Ashwani Ahuja, gave a blow of an unidentified object on the right hand of the complainant and hurled abuses, leading to the registration of the present FIR.

Learned counsel for the petitioner has sought to argue that the the injury attributed to the petitioner on the head, has been termed to be simple, in light of the medical opinion given on 30.05.2019 and that co-accused has already been allowed bail and that nothing is to be recovered from the possession of the petitioner.

On instructions from HC Manoj Kumar, the learned State counsel, assisted by Mr. Keshav Pratap Singh, Advocate for the complainant, though do not displace the facts that have been canvassed at the bar by learned counsel for the petitioner but has stoutly opposed the grant of bail on the ground that the injury attributed to the petitioner is on the head.

Appreciating the submissions, it is the admitted stand of the State that injury attributed to the petitioner on the head, has been opined to be simple in nature, by means of a blunt weapon. No other role is attributed

to the petitioner and nothing is to be recovered from his possession and it would be travesty of justice by sending the petitioner behind the bars.

In view of the aforesaid, the present petition is allowed. Petitioner would appear before the Investigating Officer within 15 days from today. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

04.06.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No