

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

208

CRM-M-46120-2019

Date of decision: 14.11.2019

Mohd. Naseem

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Surinder Pal Kaur, Advocate for the petitioner.

Mr. Rajiv Sharma, Additional Public Prosecutor
for the U.T. Chandigarh.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case FIR No.0111 dated 09.05.2019 registered in Police Station East Sector 26, Chandigarh under Section 324 of the Indian Penal Code, 1860 (for short 'the IPC') to which Section 307 of the IPC was added lateron.

Pursuant to notice of motion order dated 30.10.2019, Mr. Rajiv Sharma, Additional Public Prosecutor has appeared for U.T. Chandigarh and opposed the bail application.

I have heard learned Counsel for the petitioner as well as learned Additional Public Prosecutor for U.T. Chandigarh and have gone through the record.

Learned Counsel for the petitioner has argued that the petitioner was arrested in the abovesaid FIR on the spot and due to police not having informed his local relatives, was sent to judicial custody. The petitioner was subsequently released on bail on 29.05.2019. During the period of custody, the complainant threatened the petitioner as well as his relatives to pay Rs.50,000/- saying that in case of their failure he will present another medical certificate from P.G.I. The complainant was declared fit and discharged after few hours

on the same day and there was no serious injury. Since the petitioner

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had not paid the amount demanded by the complainant, the complainant produced another medical certificate obtained from P.G.I. Due to unwarranted raids conducted by the police, the petitioner missed the dates of hearing before the Trial Court. The petitioner is a sole bread earner of the family and no useful purpose will be served by his detention. The petitioner is ready to join the investigation and he may be granted anticipatory bail.

On the other hand, Additional Public Prosecutor for the U.T. Chandigarh has submitted that the petitioner inflicted knife blow in the abdomen of the complainant which injury was declared dangerous to life by the concerned doctor from P.G.I., Chandigarh. On receipt of the report, the police wanted to seek permission for his arrest from the Court which could not be obtained because the petitioner absented on 19.08.2009 on which bail granted to him was cancelled. Therefore, the bail application may be dismissed.

In view of the facts and circumstances of the case including the fact that the petitioner is alleged to have inflicted knife blow on the left side of the abdomen of the complainant which injury was declared to be dangerous to life, previous conduct of the petitioner of absconding from the Court and the fact that the trial can be expedited and is not likely to take long time but without commenting on the merits in any manner, I am of the considered view that the petitioner does not deserve the concession of anticipatory bail. Therefore, the petition is dismissed. However, the trial Court is directed to expedite the trial.

14.11.2019

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(ARUN KUMAR TYAGI)
JUDGE

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