

Sr.No.207

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

**CRM-M-52435-2019
Date of decision:11.12.2019**

Nazar @ Billu

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Jagram Singh Cooner, Advocate
for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail in an FIR No.389 dated 04.11.2019 registered under Sections 323, 324, 506, 34 IPC at Police Station Pinjore, Tehsil Kalka, District Panchkula.

Learned counsel for the petitioner argues that provisions of Sections 323, 324 IPC are bailable offences. Since Section 506 IPC is non-bailable offence, therefore, petitioner has filed the present petition. He further submits that injuries which have been inflicted upon the complainant are not serious in nature nor they are on the vital part of the body, therefore, concession of anticipatory bail may be granted to the petitioner.

Per contra, learned State counsel on instructions from ASI Jagdish states that as per the report of MLR, there are 8 injuries which are severe in nature and which are also on different parts of the body and he further states that the alleged sword which has been used in the offence is yet to be recovered. Therefore, in case bail is granted to the petitioner, it

would hamper the further investigation process.

Heard the learned counsel for the parties.

After going through the available record and perusing the MLR, it is apparent that 8 different injuries have been mentioned by the doctors which are at different parts of the body. The seriousness of the offence would be seen from the nature of weapon used in the incident which is sharp edged sword and yet to be recovered.

It is a settled law that while considering the application for bail it is the duty of the Court to strike a balance between the rights of the petitioner pertaining to his life and liberty and also that investigation process would not hamper.

In the instant case in view of the totality of the circumstances, it is not a fit case for grant of anticipatory bail at this stage as the nature and number of injuries which have been reported in the MLR would not enable the petitioner to seek indulgence of the Court for grant of anticipatory bail at this stage. Consequently, the present petition is hereby dismissed.

However, nothing stated hereinabove, shall be construed to be an expression on the merits of the case.

11th December, 2019

Shivani Kaushik

**[JASGURPREET SINGH PURI]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable ***Yes/No***