

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

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**CRM-M-20307-2020
Decided on : 24.07.2020**

Nafees & another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Saleem Ahmed, Advocate, for the petitioners.

Mr.Deepak Bhardwaj, AAG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Petitioners, Nafees and Jakir, in a petition filed under Section 438 Cr.P.C., seek anticipatory bail in FIR No.136 dated 15.05.2020 under Sections 147, 149, 323, 427, 452, 506 IPC registered at Police Station Hathin District Palwal.

Counsel for the petitioners has vehemently argued that the only attribution to them are fist blow to the relative of the complainant, Musthkin and in such circumstances, the benefit of anticipatory bail should be granted.

A perusal of the FIR which was lodged by the complainant, Hazi Rushtham, would go on to show that the dispute arose out of construction in a plot which the complainant had purchased vide sale deed dated 04.03.2020. The boundary wall was being constructed when the petitioners along with others had barged into the plot and the co-accused had broken the hand of the son of the complainant, Nadeem. Thereafter, petitioners had given fist blows, as mentioned above. The wall which had been raised had also been pulled down and it is stated that loss of Rs.4 lakhs was caused to the complainant.

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However, counsel for the petitioner could not refute the fact that the applicability under Sections 452 & 506 IPC are made out which are non-bailable in nature. A perusal of the paperbook would go on to show that the petitioners and co-accused had filed a civil suit for injunction at a subsequent point of time and therefore, instead of taking legal recourse earlier, had tried to browbeat the complainant.

State Counsel, on instructions from Head Constable, Rajeev, has pointed out that subsequently FIR No.168 dated 16.06.2020 under Sections 147, 149, 323, 452, 506 IPC had also been lodged against the petitioners. The petitioners along with others, thereafter, had also assaulted the complainant and his wife and anticipatory bail, in the said case, has also been declined.

In such circumstances, keeping in view the antecedents and conduct of the petitioners, no case is made out for grant of anticipatory bail and the present petition is, hereby dismissed.

JULY 24, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No