

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112)

CRM-M-34027 of 2020

Date of Decision: 27.10.2020

Harpreet Singh alias Kala and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Aditya Sanghi, Advocate, for the petitioners.
Ms. Sheenu Suri, DAG, Haryana.
Mr. Gurvinder Singh, Advocate, for the complainant.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioners seek the concession of anticipatory bail, upon FIR no.352, dated 28.09.2020, having been registered at Police Station City Mandi Dabwali, District Sirsa, alleging therein the commission of offences punishable under Sections 323/325/506/34 of the IPC.

Learned counsel for the petitioners submits that as regards the injuries attributed to the petitioners, they can at best be taken to be constituting an offence (though denied) punishable under the provisions of Section 325 of the IPC and as regards the non-bailable offence (in Haryana) of criminal intimidation (i.e. punishable under the provisions of Section 506 of the IPC), in fact, no such allegation is even made in the FIR.

Notice of motion is issued to the respondent-State, with Ms.

Sheenu Suri, learned DAG, Haryana, accepting notice at the asking of the court, and with Mr. Gurvinder Singh, Advocate, appearing for the complainant.

Learned counsel for the complainant draws attention to the fact that even the injuries attributed to both the petitioners, i.e. Mander Singh and Harmeet Singh, on the head of the wife of the complainant, resulted in three fractures, the injuries having been inflicted by bricks.

Having considered the matter, as regards the offence punishable under the provisions of Section 325 of the IPC, being a bailable offence, what obviously to be seen is that this is a petition not seeking 'regular bail' under the provisions of Section 439 of the Cr.P.C., but 'anticipatory bail' under the provisions of Section 438 thereof.

Therefore, the parameters for admitting a person to 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C. would be different to those while granting him 'regular bail'.

Hence, looking at the nature of the injuries attributed to the petitioners, though without making any comment on the merits of what has been contended in the FIR, I would see no reason to admit the petitioners to 'anticipatory bail'.

Consequently, this petition is dismissed.

27.10.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No