

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

**CRM-M No.29103 of 2021
Date of Decision:-13.10.2021**

Karan

.....Petitioner.

Versus

State of Haryana

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Nihul Pratap Singh, Advocate
for the petitioner.

Mr. Apoorv Garg, D.A.G, Haryana.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.384 dated 20.06.2021 registered at Police Station Ballabgarh City, District Faridabad, under Sections 332, 353, 186, 34 IPC and Section 61-4-20 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled against the petitioner in the subject FIR, are that he, along-with his co-accused, caused injuries to HC Rajender and C Sikander by giving them slaps and fist-blows and also by hurling brickbats at them and 100 quarters of country-made liquor were recovered from the spot whereas they (accused) were not having any licence or permit to keep the same.

Status-report, by way of the affidavit of the Assistant

Commissioner of Police, Ballabgarh, District Faridabad as well as the copies of the Medico-Legal Reports (MLRs) of both the afore-named police officials, i.e Annexures R-1 and R-2, have already been filed.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case whereas he himself had suffered the injury at the hands of the said police officials as reflected in the copy of his MLR (Annexure P-1) and rather, these were the said police officials, who were at fault and were responsible for the alleged occurrence and in these circumstances, the petitioner deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that the petitioner, along-with his co-accused, had assaulted both the afore-named police officials, who had reached at the spot to recover the liquor as was reportedly being sold by them (accused) and thus, keeping in view the gravity of the offence as committed by the petitioner, this petition be dismissed.

There are specific allegations in the FIR regarding the petitioner having caused injuries to the said police officials who had been deputed by ASI Badri Prasad to go to the spot to nab the accused along-with the liquor. Two card-board boxes, containing 100 quarters of the country-made liquor, were allegedly recovered from the spot.

The contention as to whether the said police officials were

responsible for the alleged occurrence or not, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and at the moment, the fact remains that as per the copy of his MLR Annexure P-1, the petitioner had sustained only one injury whereas as reported in the copies of the MLRs Annexures R-1 and R-2, HC Rajender had sustained three injuries and C Sikander had received two injuries. Moreover, the petitioner and his co-accused allegedly caused injuries to the members of the disciplined force which is meant for checking the crime and maintaining law and order in the State.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

October 13, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*