

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

101)

CRM-M no.34050 of 2021(O&M)
Date of Decision: 02.09.2021

Bijender

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Amandeep Rana, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.245, dated 03.08.2021, having been registered at Police Station DLF, Phase-I, Gurugram, alleging therein the commission of offences punishable under the provisions of Sections 147/148/149/323/506 of the IPC and Section 25(1)(a) of the Arms Act, 1959.

Pursuant to the order dated 23.08.2021, CRM-27589-2021 has been filed seeking to place on record an order passed by the learned Additional Sessions Judge, Gurugram, dated 06.08.2021, admitting 3 co-accused of the petitioner, Sanjay, Krishan and Iswar, to 'anticipatory bail'.

Learned counsel for the petitioner therefore submits that the petitioner would also deserve to be treated on parity.

Though in my opinion it would be doubtful whether the aforesaid accused also should have been released on anticipatory bail, one of the allegations being that one of them assaulted the complainant with an

ice-pick, yet with there being also an allegation against the petitioner of having used a countrymade pistol to threaten the complainant by putting it to his head, I see no ground to entertain this petition which is consequently dismissed.

However, in case of the arrest of the petitioner if he files a petition under the provisions of Section 439 of the Cr.P.C., naturally that would be dealt with on its own merits very expeditiously.

It is also to be noticed that learned State counsel submits that, as per his instructions, there are two other FIRs registered against the petitioner, one of them also being for the alleged commission of an offence punishable under the provisions of the Arms Act.

[CRM-27589-2021 is allowed subject to all just exceptions and the order of the learned Additional Sessions Judge, Gurugram, dated 06.08.2021, is ordered to be taken on record as Annexure P-2, with the accompanying petition.]

September 02, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES

Whether Reportable : NO