

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29889-2022
DECIDED ON: 15th JULY, 2022

ASHOK KUMAR

....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.K. Tripathi, Advocate
for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

The instant petition has been preferred under Section 438 Cr.P.C. to seek anticipatory bail in FIR No. 466, dated 26.12.2021, under Sections 148, 149, 323, 324, 325, 379, 506 IPC (Section 307 IPC added later on but deleted later on along-with Section 379-B IPC) registered at Police Station Gadpuri, District Palwal.

Learned counsel for the petitioner has vehemently argued that the case of the petitioner is on similar footing as that of Anoop Singh son of Balbir Singh who has been granted the concession of anticipatory bail by the learned Additional Sessions Judge, Palwal vide order dated 16.05.2022.

From the perusal of the FIR, it is seen that according to the allegation against Anoop Singh, he gave axe blow on the head of Sunder-complainant herein. Accordingly, it can be said that Anoop Singh has been

granted the concession of pre-arrest bail by the court below on wrong assumption because Anoop Singh has caused injury on the head of complainant with 'axe' whereas Amar Chand has neither caused any injury and nor is there any attribution against him. Admittedly, there is a sharp edge injury on the person of complainant as per his MLR, which is specifically attributed to the present petitioner. It would be necessary to reproduced the facts of the present case as recorded by the learned court below in para 2 of its order dated 16.05.2022, which is being impugned herein so as to point out such wrong assumption of the court below:-

“In nutshell, the prosecution case is that complainant Sunder moved an application to the police in which he stated that on 19.12.2021 at about 9.20 am he went to his plot then suddenly accused persons in furtherance of their common intention having Farsa, Iron rod, danda, Jali, axe etc. in their hands came to his plot and accused Ashok @ Roopchand hit farsa blow on his head, accused Naveen hit iron rod blows on his back and legs, accused Rinku hit baseball danda blow on his hand, accused Balbir hit jeli blows on his legs, back and hands, accused Anoop hit axe blows on his head. During this, his golden chain and Rs.15,410/- were taken by the accused person. When the complainant raised alarm, then his brothers came and accused also attacked on them. On the basis of his application, subject FIR was lodged.”

It would be appetite to note that this is second anticipatory bail filed by the petitioner. The earlier bail application was dismissed as withdrawn on 08.06.2022. Even on the asking of the Court, learned counsel for the petitioner has failed to point out any change in circumstances enabling him to move second bail application.

In view of above discussions, this Court does not find merit in the present petition, as such the same is dismissed.

15th JULY, 2022

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>