

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-54306-2021 (O&M)

Date of Decision:- 11.1.2022

Anil

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Mamli, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.212, dated 28.11.2021, Police Station Bajgheda, Gurugram, under Sections 332, 353, 186, 506, 427, 34 IPC and Section 72-C of the Haryana Excise Act, 2020.
2. As per the case of prosecution the petitioner along with 3 other boys were consuming liquor at a public place i.e. on road. When ASI Shastra Kumar, asked the said persons not to do so, the said persons

attacked ASI Shastra Kumar. The petitioner is alleged to have given a blow with brick on the head of the complainant i.e. ASI Shastra Kumar. Other boys are also alleged to have caused injuries. In the meantime two other police officials came at the spot. While two of the boys namely Deepak and Rahul were arrested at the spot, the names of Anil s/o Shri Chand and Anil s/o Nihal were disclosed by the two persons who had been apprehended at the spot.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and that he cannot be said to be the one who had allegedly given a blow with brick to the complainant and that the name of the petitioner had surfaced only in the disclosure statement. It has further been submitted that although there is no MLR, but even if it is assumed that there is any MLR is in existence, the injuries in question at best can be said to be in the nature of simple injuries and in these circumstances the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that in the instant case there is a description of one of the person who had given a brick blow to be a person who was having beard and that when two of the co-accused were arrested they named the person who was having beard as Anil Kumar s/o Shri Chand i.e. the present petitioner. Learned State counsel has further submitted that the complainant was duly examined in the hospital and as many as 5 injuries were found on his person and that as such it is quite apparent that the petitioner and other co-accused had not only obstructed the complainant in performance of his duties but have also caused injuries to him.

5. I have considered the aforesaid submissions addressed before this Court.
6. As far as the identity of the petitioner is concerned, there can be no dispute given the fact that the description of the petitioner i.e. the person with beard is there in the FIR and who has been duly nominated by the co-accused. Even if it is assumed that the injuries are in the nature of simple injuries, still the fact that the factum of existence of injuries has been confirmed in the MLR, the allegations as levelled in the FIR are found to be duly substantiated. In these circumstances, this Court does not find any ground for grant of anticipatory bail. The petition is sans any merit and the same is hereby dismissed.

11.1.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No