

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

(210)

CRM-M-29343-2015

Decided on: October 20, 2015.

Vinod Kumar and others

.... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sandeep Kotla, Advocate, for the petitioners.

Mr. D.R. Singla, DAG, Haryana.

Mr. S.S. Sahu, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioners seek concession of pre-arrest bail in offence under Section 307 IPC which has been added subsequently. The petitioners had been granted concession of regular bail on 27.06.2015 prior to the addition of offence under Section 307 IPC. The allegations against the petitioners are that they along with Pawan and Om Parkash had attacked complainant Vinod Kumar and his brother Angrej Kumar with sticks, kappa and gandasi. The injury which had been received by Angrej Kumar, brother of the complainant, is attributed to the main accused Pawan Kumar who is stated to be in custody.

Learned counsel for the complainant has intervened to oppose the application for pre-arrest bail contending that the FIR was registered at the instance of Vinod Kumar while Angrej Kumar was unconscious on account of the injuries received. As per the statement of Angrej Kumar

recorded by the police, Vinod Kumar petitioner No.1 has also caused injury with a lathi on his head.

I have considered the facts and circumstances of the case and I am of the opinion that two persons have been attributed one injury on the head of Angrej Kumar. As per the original version of the complainant, it was Pawan Kumar, who had used baseball bat to cause injury on the head of Angrej Kumar. However, Angrej Kumar has attributed another injury with a dang on his head, to petitioner No.1 Vinod Kumar. The grievous injury which is alleged to have been received by Angrej Kumar is attributed to Pawan Kumar. Vinod Kumar having not been attributed any grievous injury; he having already joined investigation as per the instructions of ASI Ram Murti imparted to State counsel, he can be granted the concession of pre-arrest bail.

Learned counsel for the complainant as well as learned State counsel have brought to notice of the Court that when the police had gone to arrest the petitioners in the present case, they had resisted said action as a result of which another FIR for assaulting the police party has been registered as FIR No.550 dated 01.09.2015 under Sections 332, 353, 186, 224, 225, 506 IPC.

I have gone through the allegations in the said FIR.

It has been informed that petitioners have been granted concession of regular bail in said case after their arrest.

In view of said circumstances, the petition is allowed. It is ordered that in case of arrest of petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the conditions that the

petitioners will not commit any similar offence of which they are accused of during pendency of the trial and will not threaten the witnesses.

In case of violation of any of the conditions, it will be open to the prosecution agency or the complainant to approach this Court for cancellation of the bail.

(M.M.S. BEDI)
JUDGE

October 20, 2015
harsha