

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

CRM-M-26797 of 2017.  
Decided on:-24.08.2017.

Satish and another

.....Petitioners.

Versus

State of Haryana.

.....Respondent.

**CORAM:    *HON'BLE MR. JUSTICE HARI PAL VERMA.***

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Present:-    Mr. Aditya Sanghi, Advocate  
                     for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

**HARI PAL VERMA, J.(ORAL)**

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners, namely, Satish and Vipin in FIR No.50 dated 08.02.2017 under Sections 148/149/323/325/307/506 of the Indian Penal Code registered at Police Station Kanina, District Mahendergarh.

Learned counsel for the petitioners has argued that the alleged incident took place on 27.12.2016, whereas the FIR in question was registered on 08.02.2017 for the offence under Sections 148/149/323/325/506 IPC. The offence under Section 307 IPC was added on the basis of report dated 22.05.2017 from the Medical Board of PGIMS, Rohtak, wherein injury No.1 on the person of injured Raj Kumar was declared to be dangerous to life.

He further states that as per the FIR, the petitioners have given iron rod blow on the head of complainant-injured Rakesh Kumar, but the medico-legal report of the complainant shows that there is no such injury on his person.

On the other hand, learned State counsel has argued that the petitioners have caused injuries on the person of complainant Rakesh Kumar and Raj Kumar. The injury on the person of Raj Kumar attracted the offence under Section 307 IPC and as such, the petitioners are not entitled for anticipatory bail. So far as recovery of weapon of offence is concerned, he states that the same has already been effected from the petitioners.

I have heard learned counsel for the parties.

On the basis of statement of complainant Rakesh Kumar, the FIR in question was registered. There is no injury on the person of complainant Rakesh Kumar, which may attract the offence under Section 307 IPC. Admittedly, the incident had occurred on 27.12.2016, whereas the FIR was registered on 08.02.2017 for the offence under Sections 148/149/323/325/506 IPC. Later on, it was on the basis of report dated 22.05.2017 from the Medical Board of PGIMS, Rohtak, Section 307 IPC was added in the case. Injured Raj Kumar remained hospitalized w.e.f. 27.12.2016 to 30.12.2016. Thus, the offence under Section 307 IPC was added much later. Moreover, no recovery is to be effected from the petitioners and conclusion of trial is likely to take sufficient long time.

Therefore, the present petition is allowed and the interim bail granted to the petitioners vide order dated 27.07.2017 is made absolute.

However, if required, the petitioners shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

**August 24, 2017**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned:

Whether Reportable:

Yes

No