

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

**CRM-M-50349 of 2018
Date of decision:1.3.2019**

Rohit and others

.....Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr.Jarnail S. Saneta, Advocate for the petitioners.
Ms.Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J.(ORAL)

The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.81 dated 25.2.2018 at Police Station Sadar Thanesar, District Kurukshetra under Sections 148, 149, 323, 324, 506, 120-B IPC and wherein section 326 IPC was added later on.

The FIR was lodged at the instance of Arjun Singh wherein it has been alleged that on 22.2.2018, when he along with Gaurav was going on a motor-cycle, then they were waylaid by five young boys who had come in a car and attacked them. It is alleged that Nandu gave a blow with gandasi on complainant's waist. Thereafter, he aimed another blow on his head but he warded off the blow with his hands and resultantly, the gandasi hit on his left arm. Devinder Sardar is alleged to have given gandasi on the right arm of the complainant. It is stated that two Sardars carrying "Bindas" in their hands gave blows on legs and waist of the complainant. Polu who is alleged to be carrying a pistol in his hand pressed the same against his

neck and pushed his mouth in the mud. Subsequently, some persons working in nearby fields came there and the accused ran away from the spot.

The learned counsel for the petitioners has submitted that they are not named in the FIR and it was subsequently that they were nominated on the basis of statement of one Sarabjit, who had himself been nominated as an accused, on the basis of supplementary statement. Learned counsel has further submitted that in fact on 7.3.2018, the complainant made a supplementary statement wherein he has stated that he had been caused injuries by Sarabjit, Kamal and others at the instance of Bablu and Gian. Learned counsel has submitted that on 21.6.2018 the complainant made yet another statement wherein he stated that he was attacked by five persons and that the persons who had caused injuries to him were Sarabjit, Muna and one Sardar. It has further been submitted that since the complainant himself is changing his stand time and again, therefore, the very case of the complainant is rendered doubtful and in any case, the petitioners were nominated as accused on the basis of disclosure statement recorded on 23.10.2018 by Sarabjit which is not a reliable piece of evidence.

Opposing the petition, the learned counsel representing the State has submitted that since one of the co-accused has nominated the petitioners to be co-accused, no ground for grant anticipatory bail is made out.

I have considered rival submissions addressed before this court. The complainant, who had initially named Nandu, Devinder and Pollu to be amongst the assailants changed his stand by making supplementary statement wherein later on he named Sarabjit, Kamal, Bablu and Gian to be

accused and later also named Muna and one Sarabjit to the assailants. In any case, the petitioners came to be nominated as accused on the basis of disclosure statement made by Sarabjit, the authenticity and veracity as well as admissibility of which is yet to be tested during the course of trial.

Having regard to the facts and circumstances of the case, in my opinion, it is a fit case to grant of anticipatory bail. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 16.11.2018 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) CrPC.

The present petition stands accepted accordingly.

March 01, 2019
KD

(GURVINDER SINGH GILL)
JUDGE

Whether speaking / reasoned:
Whether Reportable:

Yes / No
Yes / No