

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

CRM-M-62214-2018 (O&M)

Date of Decision:-27.2.2019

Naresh Sharma and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gautam Dutt, Advocate for the petitioners.

Ms. Aditi Girdhar, Assistant Advocate General, 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.607 dated 6.12.2018 at Police Station Civil Lines, Gurugram under Sections 147, 149, 324 and 506 of Indian Penal Code.

Mr. Arun Gupta, Advocate for Mr. N.D. Achint, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record.

The FIR was lodged at the instance of Parshant Bhardwaj, wherein it has been alleged that on the day of occurrence he was attacked by the accused/petitioner No.1 Naresh, who is alleged to be armed with a sword and is stated to have given a blow with the same on the head of the complainant. Kuldeep is stated to have given a blow with rod on the left

knee of the complainant. The said accused were also accompanied by their friends.

The learned counsel for the petitioners has submitted that while petitioner No.2 Digvijay is not named in the FIR, petitioner No.1 Naresh Sharma is attributed one injury, which initially was opined to be a 'grievous injury' on 4.12.2018 but subsequently vide opinion dated 18.12.2018, the same has been declared to be a 'simple injury'. The learned counsel has further submitted that the genesis of occurrence has been suppressed inasmuch as the brother of petitioner No.1 namely Anoop Sharma has also sustained injuries and has infact sustained a 'grievous injury'.

Opposing the petition, the learned counsel representing the State has submitted that since petitioner No.1 is specifically named in the FIR and infact offence under Section 379-A IPC has also been added on account of snatching of two gold chains, no case for grant of anticipatory bail is made out. It has, however, been not disputed that the brother of petitioner No.1 had also sustained a 'grievous injury' regarding which a separate FIR has been lodged. It has also been informed that pursuant to interim directions issued by this Court on 21.12.2018, the petitioners have since joined investigation.

Having regard to the facts and circumstances of the case and while noticing that it is a case where the 'grievous injury' has been sustained by brother of petitioner No.1, it would certainly be debatable as to which party was the aggressor. In any case, the petitioners having already joined investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 21.12.2018 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) Cr.P.C.

The present petition stands accepted accordingly.

27.2.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No