

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

(1) **CRM-M-17591-2019 (O&M)**

Shubham Kumar ... Petitioner

Versus

State of Haryana ... Respondent

(2) **CRM-M-19240-2019 (O&M)**

Mukesh Kumar ... Petitioner

Versus

State of Haryana ... Respondent

(3) **CRM-M-21852-2019 (O&M)**

Mohit ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:- 26.2.2020

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naresh Paul Chandel, Advocate for the petitioner,
in CRM-M-17591-2019.

Mr. Davinder Kumar, Advocate for the petitioners,
in CRM-M-19240-2019 & CRM-M-21852-2019.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana,
assisted by SI Dharamvir.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions filed on behalf of Shubham Kumar, Mukesh Kumar and Mohit seeking grant of

anticipatory bail in a case registered against them vide FIR No.82 dated 8.3.2019 under Sections 148/149/323/452/506/120-B IPC at Police Station Naraingarh, District Ambala.

2. The FIR was lodged at the instance of Pardeep Kumar wherein it has been alleged that on 7.3.2019 at about 7 P.M. when he was sitting inside his milk dairy, then suddenly 5-6 persons came inside his dairy, who had their faces covered with cloth. One of them was carrying a '*sword*' and the others were carrying '*wooden sticks*' in their hands and they all attacked him and caused injuries to him. It is alleged that the person carrying a '*sword*' gave a blow with the same hitting the little finger of his left hand and he also gave another blow with his '*sword*' on his left elbow. It is further stated therein that the complainant suspects that one of them was Mukesh, who had attacked him along with his companions.
3. The learned counsel for the petitioners have submitted that they are not named in the FIR and have been nominated as accused pursuant to disclosure statement made by one Mukesh son of Gurnam Singh, who was arrested in the present case. It has further been submitted that in any case, the story as put forth in the FIR is not substantiated from the medical evidence inasmuch as not even a single injury was found to be incised wound which can be said to be inflicted by a '*sword*'.
4. Opposing the petition, the learned State counsel has submitted that two fractures were found on the person of the complainant, who had sustained four injuries. It has further been submitted that since the '*sword*' and also the motorcycle has been recovered from the accused, no special case for grant of

anticipatory bail is made out. It has, however, been informed that the petitioners have since joined investigation.

5. I have considered rival submissions addressed before this Court.
6. Since all the injuries found on the person of the injured were found to be in the nature of lacerated wounds, therefore, it will certainly be debatable as to whether the same were caused with '*sword*', as has been alleged in the FIR. In any case, since the main offence is an offence under Section 325 IPC and the petitioners have already joined investigation, their custodial interrogation is not warranted.
7. The petitions, as such, are accepted and the interim directions issued by this Court vide order dated 16.4.2019 in respect of Shubham Kumar, order dated 30.4.2019 in respect of Mukesh Kumar and order dated 14.5.2019 in respect of Mohit are hereby made absolute subject to the condition that the petitioners shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

26.2.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No