

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

CRM-M-26839-2020 (O&M)
Date of Decision:-10.12.2020

Vikas @ Poni ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naveen Siwach, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.318 dated 28.11.2019 at Police Station Uklana, District Hisar under Sections 323, 34, 341 and 506 of Indian Penal Code.
2. As per the allegations in the FIR, the injured Sajjan was attacked by Rahul @ Mann Singh, who was armed with a “bai” (a thick long wooden baton which is part of a cot), who was accompanied by two more boys having sticks. It is alleged that Rahul @ Mann Singh gave a blow with ‘bai’ on the head of Sajjan and that the other two boys also gave beatings to Sajjan with sticks.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and that in any case even as per the FIR it is co-accused Rahul @ Mann Singh, who is alleged to have caused an injury on the vital part of the injured i.e. on his head and that there is no specific attribution to the other two accused.
4. Opposing the petition, the learned State counsel has submitted that since the name of accused figured in the disclosure statement of co-accused Naveen and also in the statement of the injured recorded subsequently, no case for grant of bail is made out. It has, however, been informed that pursuant to interim directions the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has been nominated on the basis of a disclosure statement made by co-accused and also on the basis of statement of the injured recorded subsequently i.e. much after lodging of the FIR and that as per FIR it is the co-accused, who is attributed an injury on the head and while also noticing that the petitioner has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 9.9.2020 are hereby made absolute subject to the condition that the petitioner 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.

10.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No