

211-A

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

CRM-M No.26852 of 2020(O&M)

Date of Decision: 11.12.2020

Rajesh Kumar

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sushil Shoran, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

The petitioner seeks grant of anticipatory bail in case bearing FIR No.106 dated 23.05.2020 registered under Sections 148, 149, 323, 341, 506 IPC (Sections 325, 307 IPC added later on) at Police Station Jhojhu Kalan, District Charkhi Dadri.

On 09.09.2020, following order was passed:-

“Prayer in this petition is for grant of anticipatory bail in FIR No.106 dated 23.05.2020 under Sections 148, 149, 323, 341, 506 IPC and Sections 325 & 307 IPC were added later on), registered at Police Station Jhojhu Kalan, District Charkhi Dadri.

Learned counsel for the petitioner submits that initially, the FIR was registered under Sections 148, 149, 323, 341, 506 IPC and the petitioner was granted the concession of regular bail. Thereafter, Sections 325 & 307 IPC were added and the petitioner is sought to be re-arrested. It is further

submitted that as per allegations in the FIR, the petitioner was holding an iron rod, co-accused Anup was having an axe and another co-accused Ashish was holding a stick and all these three persons caused injuries on head of the complainant and as per the MLR, injuries No.1 & 3 were found to be incised wound and the said injuries are attributed to co-accused Anup, which were declared dangerous to life.

Notice of motion for 11.12.2020.

In the meantime, the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.*

**[ARVIND SINGH SANGWAN]
JUDGE”**

Initially, the FIR was registered for the offences under Sections 148, 149, 323, 341, 506 IPC. Petitioner was granted regular bail for the said offences. Thereafter, there was enlargement in the culpability and offences under Section 325, 307 IPC were added and petitioner was sought to be re-arrested.

Learned counsel for the petitioner submits that subsequent enlargement in the offences would enable the petitioner to seek anticipatory bail for the enhanced offences.

Learned State counsel on instructions from SI Virender Singh submits that iron rod has been recovered from the petitioner and he has joined the investigation to the entire satisfaction of the Arresting Officer.

In view of above, order dated 09.09.2020 is made absolute. However, petitioner is directed to join the investigation as and when required to do so by the Investigating Officer and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

11.12.2020

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)

JUDGE

Yes/No

Yes/No