

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****208****CRM-M-29749-2020 (O&M)**
Date of Decision: 02.12.2020

Banta Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. D.S.Virk, 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.120 dated 20.08.2019, at Police Station Ding, District Sirsa under Sections 147, 148, 323, 341, 506 IPC (Section 307 IPC added later on).
2. The FIR was lodged at the instance of Mange Ram, wherein it is alleged that on 17.08.2019, when he was returning to his home from Ding Mandi Market and reached near Bhardwaj Medical, he was waylaid by Rohtas, who was carrying a gandassi and Rajesh, who was carrying a stick. In the meantime, Rakesh, who was also carrying a stick, came from behind and gave a blow from back hitting on his head as a result of which he fell down. It is alleged that in the meantime, two unknown boys alighted from Innova car

and caught hold of him and thereafter, the three accused namely Rohtas, Rakesh and Rajesh gave beatings to him with their respective weapons.

3. Learned counsel for the petitioner has submitted that it is only three persons namely Rohtas, Rakesh and Rajesh, who are specifically named in the FIR and who have specifically caused injuries to the petitioner with their respective weapons and that the petitioner is nowhere named in the FIR. It has further been submitted that the petitioner is sought to be nominated as an accused on the basis of disclosure statement made by one Happy, who himself was nominated pursuant to a disclosure statement made by Rakesh co-accused and that in any case at best the petitioner can be said to be a person, who had alighted from the Innova Car, but has not inflicted any injury on the complainant.
4. Opposing the petition, learned State counsel has submitted that since the petitioner came to be nominated on the basis of disclosure statement of co-accused, no case for grant of bail is made out. Learned State counsel upon instructions from ASI Sumit has informed that the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that it is the three accused namely Rohtas, Rakesh and Rajesh, who are specifically alleged to have caused injuries to the complainant and that the petitioner came to be nominated subsequently on the basis of a disclosure statement and while also bearing in mind that the petitioner has since joined

the investigation and is not required for custodial interrogation, the petition, as such, is accepted and the interim directions issued by this Court vide order dated 25.09.2020 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.

02.12.2020
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**