

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

204

CRM-M-2152-2021 (O&M)

Date of Decision: 08.03.2021

SONU AND ANOTHER

... Petitioners

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ramnish Puri, Advocate for the petitioners.

Mr. Apoorv Garg, D.A.G. Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through the instant petition under Section 438 Cr.P.C., the petitioners seek anticipatory bail in case bearing FIR No.568 dated 11.09.2020 registered under Sections 148, 149, 323, 452, 506 IPC (Sections 325 and 427 IPC added later on), at Police Station Model Town District Rewari.

Vide order dated 09.02.2021 passed by this Court, the ad interim anticipatory bail granted to petitioner No.1-Sonu, was made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

Pursuant to the order dated 09.02.2021, a status report has been filed by way of an affidavit of Deputy superintendent of Police, District Rewari. In the said report, it has been pointed out that petitioner No.2 was specifically named in the FIR and that after receipt of the radiological examination report, offence under Section 325 IPC was added on 07.10.2020 for the reason that victim-Dayanand had suffered fractures in his ribs.

Learned counsel for the petitioners contends that the only role attributed to the petitioner is of having allegedly caused injuries on the person of the victim, which had resulted into the fracture of his ribs. He further contends that owing to the role attributed to petitioner No.2, the offence under Section 325 IPC was added later on and the said offence being bailable one, petitioner No.2 is entitled to the concession of anticipatory bail.

On the other hand, the learned State counsel, while opposing the prayer for bail, states that petitioner No.2 was a member of an unlawful assembly and hence having acted in prosecution of the common object, he would be guilty of the offences alleged in the FIR, in the same manner as the other accused are.

I have heard the learned counsel for the parties.

The injuries attributed to petitioner No.2 has resulted into the fracture of the ribs of the injured. Petitioner No.2 was specifically named in the FIR and while armed with a *Danda*, he had participated in the crime along with the co-accused, who were holding deadly weapon(s) and caused injuries to injured-Dayanand. Thus, petitioner No.2 cannot take the benefit of the fact that he is only liable for the offence under Section 325 IPC.

In view of the above, I do not find any merit in the present petition. Hence, the present petition qua petitioner No.2 is dismissed. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

08.03.2021

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

: *Yes/No*

Whether reportable

: *Yes/No*