

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

CRM-M-4557 of 2021

Date of Decision:01.09.2021

Jitender and another

---Petitioners

versus

State of Haryana

---Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Gaurav Jain, Advocate
for the petitioners

Mr. Rajat Gautam, Deputy. Advocate General,
Haryana.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner No. 2 seeks grant of anticipatory bail under
Section 438 Cr.P.C. in case bearing FIR No. 0935 dated
7.12.2020 registered under Sections 148, 149, 323, 324, 452,
506, 326, 511 of the Indian Penal Code (Section 326 IPC added
and Section 511 IPC deleted later on), at Police Station Sadar
Karnal, District Karnal Haryana.

Notice of motion was issued on 10.3.2021 on the
premise that grievous injury was attributed to petitioner No. 1
i.e. incised wound of size 5 x 1.5 cm bone deep over the medial

boarder of right-hand and on X-ray the injury was found to be fracture of metacarpal of right little finger and was declared as grievous in nature. Injury attributed to petitioner No. 2 is incised wound of 4 x 0.25 cm over right parietal area of skull and the said injury was declared as simple in nature.

On 10.3.2021, following order was passed by this Court:-

“Injury on the person of Surender was attributed to petitioner No.1 which was incised wound of size 5 x 1.5 cm bone deep over the medial boarder of right-hand. On X-ray, the injury was found to be fracture on metacarpal of right little finger and was declared to be grievous in nature. Petitioner No.2 is alleged to have given incised wound of 4 x 0.25 cm over the right parietal area of skull and this injury has been found to be simple in nature.

Learned counsel for the petitioner states that petitioner No.1 has already been arrested.

In view of above, the petition qua petitioner No.1 stands dismissed as withdrawn.

The aforesaid facts have not been denied by learned State counsel as well as learned counsel for the complainant.

Notice of motion for 12.05.2021.

In the meanwhile, petitioner No.2 is directed to appear before the SHO/Investigating Officer to join investigation on 15.03.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on ad interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of

Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that in compliance of the aforesaid order, petitioner No. 2 has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Mukesh Kumar admits the aforesaid fact and submits that the petitioner No. 2 is no more required for further investigation of the case.

Since petitioner No. 2 is stated to be author of simple injury, therefore, the interim order dated 10.3.2021 is made absolute. Petitioner No. 2 shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

01.09.2021
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No