

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

CRM-M-6777-2021 (O&M)
Date of Decision:-14.9.2021

Naveen ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Devender Singh.

Mr. Sunil Sihag, Advocate for the complainant.

(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.326 dated 19.12.2020 at Police Station Nangal Chaudhary, District Mahendergarh, Haryana under Sections 147, 148, 149, 323, 325, 307, 341 and 506 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Sharmila Devi wherein it is alleged that on 14.12.2020 she had accompanied her husband for going to fields. On the way back, when her husband and her son were going on motorcycle, a bolero camper vehicle hit against their bike and on account of

which her husband fell down and the persons sitting in Bolero alighted from that vehicle who were all carrying 'iron rods' and 'sariya' etc. It is alleged that Krishan who was carrying an 'iron rod' gave a blow with the same on the head of complainant's husband hitting on the helmet and on account of which he fell down. Krishan is alleged to have given another blow hitting the chest of the complainant's husband. Thereafter Mintu s/o Ami Lal gave a blow with iron rod on the hand of complainant's husband and also on his chest. Ajay and Sandeep who were carrying 'iron pipes and rods' gave injuries to complainant's husband on his feet. Another two unidentified persons were also there and they all gave beatings to complainant's husband with the help of their weapons and also gave kick blows. When the complainant rushed forward to rescue her husband she was thrown aside. Upon alarm being raised, some persons came at the spot and thereafter the accused ran away from the spot.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and has been falsely nominated as an accused subsequently. It has further been submitted that even if the allegations qua unidentified persons as levelled in the FIR are taken to be correct, the same are in the nature of general allegations to the effect that they all gave beatings without there being any reference as to whether the same were with any specific weapon.
4. At the time of issuance of notice of motion on 12.2.2021, the following order was passed:

“Notice of motion for 9.4.2021.

At this stage, Mr. Sunil Sihag, Advocate has put in appearance on behalf of the complainant and also accepts notice on behalf of the complainant.

Learned counsel for the petitioner has submitted that he is nowhere specifically named in the FIR and it is one Krishan, Mintu, Ajay and Sandeep, who are specifically named and who are attributed injuries and that general allegations have been levelled in the FIR that there were accompanied by other persons and they all had given beatings to complainant's husband.

Learned counsel for the petitioner has further submitted that infact the petitioner had earlier been granted bail but subsequently upon addition of offence under Section 307 IPC, he is now again sought to be arrested.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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.”

5. Learned State counsel, upon instructions from Investigating Officer, has informed that pursuant to interim directions the petitioner has since joined investigation and is not required for any custodial interrogation.
6. Learned counsel for the complainant has, however, opposed the petition while submitting that in the instant case the statement of the injured was recorded in terms of Section 161 Cr.P.C. on 2.1.2021, wherein he categorically stated that the petitioner Naveen had inflicted injuries with the help of iron rod alongwith other accused on leg and chest of the injured and that, in these circumstances, the petitioner does not deserve the concession of

bail. It has further been submitted that infact it is a case where the investigating agency has been all out to help the accused and did not furnish the medical opinion in time on account of which the petitioner was earlier granted bail. Learned counsel has submitted that the petitioner stands involved in three other cases.

7. I have rival submissions addressed before this Court.
8. Having regard to the fact that the petitioner is not initially named in the FIR, wherein other accused are named therein and the fact that the petitioner pursuant to interim directions has joined investigation and is not required for custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 12.2.2021 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.

14.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No