

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

CRM-M-24590-2021 (O&M)  
Date of Decision:-14.12.2022

Rajesh Kumar @ Raju

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Vinod Ghai, Senior Advocate with  
Mr. Abhimanyu Singh, Advocate for the petitioner.  
Mr. Abhinash Jain, DAG, Haryana.

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**GURVINDER SINGH GILL, J.(Oral)**

**CRM-13360-2022**

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-9 to P-13 subject to all just exceptions.

**CRM-M-24590-2021 (Main Case)**

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.08, dated 5.1.2021, Police Station Tosham, District Bhiwani (Haryana), under Sections 148, 149, 307, 323, 325, 452 and 506 of Indian Penal Code.

2. At the time of granting interim bail to the petitioner, the following order was passed on 5.7.2021:

“Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and has been nominated as an accused on the basis of a supplementary statement of the injured recorded after two months. It has further been submitted that although the role attributed to the petitioner is that he had caused an injury with a “*palta (khurchna)*” used for making sweets etc., but none of the injury was found to be an incised wound as a ‘*palta*’ would normally cause an incised wound.

List on 6.12.2021.

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.”

3. Learned counsel for the petitioner submits that although the petitioner is not nominated as an accused in the FIR while other accused are specifically named, he came to be nominated on the basis of a supplementary statement recorded subsequently. It has further been submitted that even as per the said supplementary statement (Annexure P-11), no specific role is attributed to the petitioner and all the accused are generally stated to have inflicted injuries.
4. Learned counsel for the petitioner has next referred to the statement of Krishan (injured) (Annexure P-12) recorded in terms of provisions of Section 161 Cr.P.C., wherein he has stated that Rajesh Kumar @ Raju (petitioner)

inflicted a blow with “*palta (khurchna)*” on his head due to which he fell down and then Mukesh @ Bhagra, Ajay, Sahil, Bachhi @ Sumit, Manjit @ Kaliya caused injuries to him with stick on his head and feet and as a result of which his right foot was fractured. Learned counsel for the petitioner submits that as a matter of fact the injured was found to have sustained a total of 5 injuries and since all the injuries are in the nature of lacerations etc. and none is an incised wound, the same at best would attract an offence under Section 308 IPC.

5. Opposing the petition, learned State counsel has submitted that although the petitioner has joined investigation but having regard to the fact that the petitioner happens to be involved in 4 other cases out of which he stands acquitted in 1 case, he does not deserve the concession of anticipatory bail.
6. This Court has considered the rival submissions.
7. It is not in dispute that the petitioner is not named in the FIR and came to be nominated subsequently in the supplementary statement. Even in the supplementary statement, general allegations of all the injured having inflicted injuries have been levelled. The petitioner is stated to be armed with a “*palta (khurchna)*” but all the injuries found on the person of the injured are in the nature of lacerations etc. and none of the injury is an incised wound.
8. In view of the aforestated position particularly the fact that the petitioner is not named in the FIR and otherwise is attributed the injuries, which are not in the nature of any incised wound, the petition is accepted and the interim directions issued by this Court vide order dated 5.7.2021 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.

**14.12.2022**

pankaj

**( Gurvinder Singh Gill )  
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No