



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

103

**CRM-M No.34123 of 2024
Date of decision : 19.7.2024**

Bhim Singh and others**.....Petitioners****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. APS Mann, Advocate, for the petitioners

Mr. B.S. Virk, Senior DAG, Haryana

Mr. Munfaid Khan, Advocate, for the complainant

SANDEEP MOUDGIL, J (ORAL)

The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioners in FIR No.149 dated 24.4.2024, under Sections 147, 148, 323, 324, 452, 506 of the IPC, 1860 (Section 326 IPC added subsequently), registered at Police Station Sadar Nuh, District Nuh.

2. Power of attorney filed on behalf of the complainant, is taken on record.

3. Learned counsel for the petitioners would contend that addition of an offence under Section 326 IPC in the instant FIR on 6.6.2024, i.e. after lapse of more than one month, once the doctor's opinion has been sought, cannot be attributed to the petitioner, as is evident from the assertion of the Investigating Agency itself.



4. Learned counsel for the petitioners has pointed out that such injury alongwith the weapon recovered is qua co-accused Jagdish @ Jaggi and head injury attributed to these 4 petitioners namely, Bhim Singh, Kishan, Om Parkash and Sushma, which has been declared simple in nature and as such, recently the offences under Sections 147, 148, 323, 324, 452 and 506 IPC were incorporated in the FIR.

5. Having served with advance copy to Mr. Virk, who has appeared on behalf of the State and on instructions from ASI Rajesh, would submit that the petitioners have already joined the investigation in terms of judgment rendered by the Apex Court in '**Arnesh Kumar v. State of Bihar, (2014) 8 SCC 469**', and the injuries attributed to the petitioners very rightly pointed out by Mr. Mann, to be simple in nature.

6. In the light of above, this Court having given a thoughtful consideration to the fact that it is an admitted case of the Investigating Officer that the petitioners have not been attributed any injury which could be termed to be grievous in nature. As far as offence under Section 326 IPC is concerned, the injury was declared simple in nature as per medico legal report dated 6.6.2024.

7. It is also kept in mind that admittedly all the 4 petitioners have joined the investigation who are not required for custodial interrogation as has been stated by learned State counsel, this Court has no reason to decline the present petition.

8. Hence, the petitioners are directed to be released on anticipatory bail subject to their joining of investigation within a period of one week from today, and assurance that they will fully cooperate with the

investigating agency and assist in preparation of final report under Section 173 Cr.P.C., subject to their furnishing personal/ security bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C. However, it is made clear that in case the petitioners does not comply with the aforesaid direction of joining the investigation within one week, the order passed by the Court shall automatically stands cancelled.

7. The petition in the aforesaid terms allowed.

(SANDEEP MOUDGIL)
JUDGE

19.7.2024
Ashwani

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