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

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Date of Decision:- 23.08.2024

Nitin Tyagi

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr.Rohit Shukla, Advocate
for the petitioner.
(appeared through video conferencing).

Mr. Rupinder Singh Jhand, Addl. A.G. Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Nitin Tyagi has filed petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 316 dated 19.10.2023 under Sections 186, 332 and 353 of Indian Penal Code, 1860 and Section 25(1 AAA) of Arms Act), registered at Police Station PS Badli, Jhajjar Haryana.

2. As per the facts of case, ASI Sohan and the police party on 19.10.2023 was present at Badli bypass in connection with routine patrolling, when the investigating officer received information from reliable source that Raja s/o Vinod R/o Burari Delhi along with another friend was coming from Bahadurgarh towards Badli in car No.DL7C-Q-2456 to supply illegal weapons. Since the information was from reliable source, Bahadurgarh road on NCR canal bridge was barricaded. After some



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time I-20 car bearing No. DL7C-Q-2456 came at high speed from Bahadurgarh. ASI Sohan tried to stop the car by placing a barricade but the driver of the car did not stop and hit barricade. As a result ASI Sohan received injuries whereas other police officials managed to escape. In this incident wind screen and other parts of the car were damaged. The occupants of the car managed to escape in darkness by leaving their car on the spot. From the dash-board of said car apart from other documents five live cartridges of 8 mm were recovered which were taken into police possession.

3. Learned counsel for the petitioner argued that he is falsely implicated in this case on the basis of disclosure statement of Raja @ Bhadak @ Veera which is Annexure P-3. No recovery is to be effected from him. He is ready to join investigation. Therefore, the anticipatory bail application may be allowed.

4. Status report filed by learned State counsel is taken on record, copy thereof supplied to opposite counsel. It is pointed out that present petitioner is involved in several other criminal cases. He is yet to join the investigation. Challan against Raja @ Bhadak @ Veera has been presented. One police official was also injured in the occurrence. Considering the aforesaid facts, petitioner is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. FIR was registered on the basis of secret information. As per the facts secret information was regarding Raja @ Bhadak @ Veera who was later on arrested. In this case present petitioner along with others were named in disclosure statement Annexure P-3. From the said car 5 live

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cartridges of 8 mm were recovered from the dash-board. Therefore, recovery is already effected. In the status report there is reference of nine criminal cases against the present petitioner out of which he was acquitted in six cases whereas three cases are still pending.

6. Considering the facts of the case and without going on the merits, anticipatory bail filed by petitioner is allowed. In case he is arrested by the Investigating Officer then he be released on bail to the satisfaction of Arresting/ Investigating Officer concerned, subject to condition that petitioner will join the investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 438(2) Cr.P.C.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

23.08.2024
monika

(AMARJOT BHATTI)
JUDGE

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