



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

CRM-M-37128-2024

Date of Decision: August 02, 2024

VINAY YADAV ALIAS CHUNCHUN AND ANOTHER
....Petitioner(s)

VERSUS

STATE OF HARYANA
....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Himanshu Joshi, Advocate
for the petitioners.

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

SANDEEP MOUDGIL, J.(ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.38 dated 21.02.2024, under Sections 323/325/341/506/34 IPC, 1860 registered at Police Station Khol, Rewari, District Mahendergarh, Haryana.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

“To, The Incharge, Police Post Kund, Sir, it is requested that I Rahul son of Sh. Mahender Singh is resident of village Majra, Police Station Khol, District Rewari and on 20.02.2024,



I along with Sujit son of Bahadur Singh resident of my village were going in the Court of Sh. Raj Kumar Jain ASJ, Rewari for giving statement in case FIR No.259/2022 got registered by Ravinder (Hathi) resident of my village on my motorcycle No.HR-36AF-8759. I was riding the motorcycle and when we reached near Gothra Bridge then Sethiya resident of Begpur Ateli, Vipin and Ravi village Partapur (Rajasthan) along with other companions came from behind in one XUV-700 vehicle No.HR35-2711 colour blue who were armed with iron pipe. They stopped me and on stopping my friend Sujit fled away and they gave iron pipe blow on my both legs and waist and Sethiya took out Rs. 1500/- from me which were to be given to Advocate and they fled away in their vehicle while threatening to kill me. Thereafter, my known Jai Singh Counsellor resident of village Nangal Jamalpur who was going from there got me admitted in Trauma Centre Rewari. Thereafter, I admitted in Matrika Hospital. It is requested to you that strict legal action should be given who have beaten me. Sd/- Rahul.”

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioners has argued that the petitioners have been falsely implicated in this case as they were not present at the place of alleged occurrence and even their names do not find mention in the FIR. They have been implicated in the present case on the basis of disclosure statement of the co-accused. He submits that other main accused namely Sunil Kumar and Ravi Kumar, have also been granted the concession of regular bail, vide order dated 07.03.2024 (Annexure P-3) passed by learned Addl. Sessions Judge, Rewari.



On behalf of the State

Learned State Counsel appearing on advance notice on instructions from investigating officer opposes the prayer for grant of anticipatory bail on the grounds that the allegations against the petitioners are serious in nature that they have wrongfully restrained the way of complainant when he was going on his motor-cycle and gave injuries with iron rods and are having criminal antecedents. He further submits that custodial interrogation of the petitioner is must since the police is investigating the matter.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, added with the fact that petitioners were not present at the place on occurrence, even their names do not find mention in the FIR and were implicated in the present case on the basis of disclosure statement of the co-accused, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. Decision

Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned



within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C which are reproduced below :-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

02.08.2024
Sangeeta

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