



CRM-M-37347-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
208
CRM-M-37347-2024
Date of decision: 3rd September, 2024
Janshu

...Petitioner(s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Neeraj Yadav, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of BNSS,
2023 seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
209	29.06.2024	Khol, District Rewari	323, 325, 427, 506 and 34 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of
this petition are that the aforementioned FIR was registered on the basis of
statement recorded by the complainant Himmat Singh alleging therein that
on the night of 28.06.2024, he along with Anil was passing through the shop
of a co-villager Sudesh when Jaipal was found present there. A verbal
altercation had taken place between Anil and Jaipal. The complainant

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pacified Anil and gave offer to drop Anil to his house. After dropping him at his house, when he was returning back and reached near the water tank, he was intercepted by Ankit and Janshu (petitioner) who is son of Jaipal and started pelting stones and bricks upon his vehicle due to which his vehicle was got damaged and window pane were also broken. They caused injuries on eye and shoulder of the complainant and then by extending threats to him, both the assailants fled away. After registration of FIR, investigation proceedings have been initiated and are underway. During the course of investigation, offence under Section 440 of IPC was added. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail, which was dismissed vide order dated 16.07.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case due to previous enmity. Infact on that fateful day, the complainant along with Anil had reached at the shop of Sudesh, both of them were under the influence of liquor and opened an assault upon father of the petitioner who had lodged an FIR No. 210 dated 29.06.2024 against the complainant. The present FIR was registered as a counter blast to the said FIR. He is ready to join the investigation. His custodial interrogation is not required. The subject offences are triable by Magistrate. Therefore, it is urged that the petition deserves to be allowed.

4. The respondent-State has advance notice of the petition and status report has been filed by him. It is argued by learned State counsel that the petitioner is a habitual offender and three more cases of similar nature

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have been registered against him. It is argued that keeping in view the nature of the allegations, he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have opened an assault upon the complainant on the night of 28.06.2024 and caused simple as well as grievous injuries to him. A cross case has been registered against the complainant party on the basis of complaint lodged by father of the petitioner. The subject offences are triable by the Magistrate. No recovery is to be effected from the petitioner. His custodial interrogation is not required. As such, in my considered opinion, it is a fit case for extending benefit of pre-arrest bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the learned trial Court within a period of ten days from the date of passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.

(ii) he shall not either directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such



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facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

3rd September, 2024

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*