



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

CRM-M-40568-2024

Date of Decision: August 22, 2024

RAHUL

.....Petitioner(s)

V/S

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

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

SANDEEP MOUDGIL, J.(ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.206 dated 12.07.2024 under Sections 115, 190, 191(3), 310(2), 311, 331(6) 324(4), 326(G), 62, of Bhartiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, 1959 (Sections 61(2), 324(5), 115(2) added later on and Section 115 is replaced with 115(2) during investigation) registered at Police Station Sadar Dadri, District Charkhi Dadri.

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

*‘To, SHO, Police Station Sadar Dadri. Sir, it is submitted
that I, Hans Raj Hansa son of Nathu Ram, am resident of
Charkhi, District Charkhi Dadri and doing work of*



contractor. In the name of the Brothers and Company Firm Sunil Kumar Badhwana the liquor vend of Chhappar group issued for the year 2024-25 and from this firm near canal I got liquor vend in village Charkhi. The rent of this liquor vend is in my name and on the liquor vend Sandeep son of Hawa Singh, Narender son of Satbir, resident of Gothia Chhoti, District Churu, Rajasthan are working as salesman. On 06.07.2024 from Mobile No.7015861402 on my mobile No.7015890950 a telephone received that Shri Bhagwan of village Charkhi is speaking. He asked me on telephone that Pahalwan the liquor vend of Charkhi is with you, I stated yes. Upon this Shri Bhagwan stated that if anybody takes liquor vend of village Charkhi then I and Harish, Pardeep @ Dhillia of our village doing partnership or otherwise we would take monthly from the contractor. Either you put my share in the liquor vend otherwise we would not permit you to run this liquor vend and put fire in your liquor vend. You know very well that my brother Pardeep has various cases against him and on run. On 12.07.2024, I was sleeping at my home in village Charkhi and received information that at 4/5 O'clock in the morning somebody broke the gate of liquor vend and gave Injuries to above aforementioned Narender salesman. Upon this information I reached at the spot and found that my salesman Narender sustained many injuries on his head and body and salesman Sandeep also received injuries. Salesman Narender told that I and Sandeep were sleeping inside the liquor vend. 10-12 persons came and started to brake the door of liquor vend from lathies and dandas. One of them said that he is Pardeep @ Dhillia, resident of village Charkhi and upon asking of my brother Harish and Shri Bhagwan, Hans Raj did not accept their partnership and now we would put fire in the liquor vend. After saying this Pardeep Dhillia said that Balhara brake the lock (kundi) of the liquor vend and asked DC Bawa to put the liquor bottles packet from outside the liquor vend. Then after breaking the lock of gate they entered



into the liquor vend and Pardeep Dhillla show me the pistol and said that you are residents of outside and why you are keeping your life in threat for Hansa. When I opposed this then he intimidate to kill me from bullet. Then all the three gave me and Sandeep injuries by iron rod and dandas on head and various parts of body. All of them broke the bottles of English and country made wine, bear, cane etc. From the cash box they took 15-20 thousands of rupees. Pardeep Dhillla stated that DC Baba put the oil in the liquor vend and give fire. Upon this DC @ Baba pour oil from two plastic canes by himself and with the help of one another person and pour the oil inside the liquor vend. The another person having cane also pour the oil. Now I, after arranging vehicles got admitted my two salesmen in Civil Hospital, Charkhi Dadri. From there Salesman Narender referred to PGIMS Rohtak. Pardeep @ Dhillla along with his companions Deepak @ DC @ Baba, resident of village Charkhi, Kuldeep Balhara, resident of Charkhi and 7-8 other unknown boys in connivance with his brother Harish and Shri Bhagwan gave injuries to my salesmen Narender and Sunil after breaking the door of my liquor vend located in village Charkhi and caused damage to put the liquor outside and also caused damage inside the liquor vend and then after pour oil tried to commit fire and also brought 15-20 thousands rupees from cash box. Strict legal action taken against them. Applicant Hans Raj Hansa son of Nathu Ram, resident of village Charkhi, dated 12.07.2024. Police Proceedings: I, ASI am present in Police Station. MHC of the Police Station told that somebody commit fire in liquor vend of village. Charkhi and snatched the money. Upon this information I, ASI Mukesh Kumar along with C. Sandeep 527 in the Govt. vehicle reached on liquor vend near canal bridge of village Charkhi. In front of the liquor vend the broken bottles of wine and sealed bottles also laid there. Damage caused inside the liquor vend. Hans Raj @ Hansa, resident of village Charkhi was present there who told that his



salesmen Narender and Sandeep, resident of Village Gothra Chhoti, Rajasthan got admitted in Civil Hospital, Charkhi Dadri for treatment of injuries sustained by them. Hans Raj submitted the aforesaid written complaint to me, ASI and contents of the same offences under Sections 191(3), 190, 115(2), 310(2), 311, 331(6), 324(4)(5), 326(g), 62 B.N.S. and 25-54-59 of Arms Act are found to be happened. For registration of case the original complaint sent to the Police Station through Constable and the case number would be informed accordingly after registration of the case. FSL team would be sent at the spot. Special report of the case is also send to the Illaqa Magistrate and higher officials through email. I, ASI, am busy in investigation at the spot. At village Charkhi ASI Mukesh P.S. Sadar Dadri dated 12.07.2024. At Police Station Upon receiving the aforesaid complaint from Constable Sandeep 527/Dadri, FIR No.206 dated 12.07.2024 under Sections 191(3), 190, 115(2), 310(2), 311, 331(6), 324(4)(5), 326(g), 62 B.N.S. and 25-54-59 of Arms Act got registered in the Police Station. The original police file along with the complaint sent through the coming Constable to the Investigation Officer. Special report of the case be sent to Illaqa Magistrate and higher officials through email. FSL team is also informed to reach at the spot. This case is registered in presence of INSP/SHO Om Parkash. CCTNS of the Police Station is not working, so the case is registered later.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case only on the basis of disclosure statement of co-accused which is weak piece of evidence. Moreover, no recovery is to be effected from the petitioner.

**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 custodial interrogation of the petitioner is required and necessary for thorough investigation in the matter.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, 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 482(2) of BNSS of which are reproduced below :-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(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 480, 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

22.08.2024
Sangeeta

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