



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M No.41020 of 2024
Date of decision: 26.09.2024

RAJENDER SHARMA AND ANTOHER Petitioners

Versus

STATE OF HARYANA Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Amandeep Singh Meho, Advocate for the petitioners.

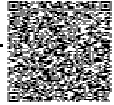
Mr. Neeraj Poswal, A.A.G., Haryana and
Mr. Harkesh Kumar, A.A.G, Haryana.

MANISHA BATRA, J. (oral)

Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No. 91 dated 12.07.2024, registered under Sections 22, 25 and 29 of the NDPS Act, 1985 and Section 223 of BNS at Police Station Barnala, District Barnala.

2. Vide order dated 21.08.2024, passed by this Court, the petitioner were released on interim bail and were directed to join investigation. Order dated 21.08.2024, passed by this Court, reads as under:

“The petitioners are seeking grant of anticipatory bail in case arising out of FIR No.214 dated 15.07.2024 registered under Sections 115, 190, 191(2), 191(3), 333 and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 (offence under Section 109 of BNS added later on) at Police Station Dadri Sadar, District Charkhi Dadri on the basis of statement recorded by the



complainant-Sanjay alleging therein that on 14.07.2024, he along with his brother-in-law Shankar had loaded the floor eraser when the petitioners and their son namely, Vikram along with 7-8 unknown youths entered inside their house and opened an attack upon them with the sticks/dandas which they were carrying in their hands and both of them had sustained injuries and were rushed to the hospital. On this complaint, initially a case under Section 115, 190, 191(2), 191(3), 333, 351(2) of BNS was registered and offence under Section 109 of BNS was added later on the basis of medical report of the complainant-Sanjay as one of the injuries sustained on the head of the complainant-Sanjay was opined to be dangerous. Investigation is underway. Apprehending their arrest, the petitioners had moved an application for grant of pre arrest bail which was dismissed by the Court of learned Sessions Judge, Charkhi Dadri vide order dated 14.08.2024.

It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. Offence under Section 109 of BNS had been added after a gap of 17 days from the date of occurrence. The complainant and injured Shankar have sworn affidavits to the effect that the petitioners and co-accused Vikram were not amongst the persons who had assaulted them on the fateful night. They are ready to join the investigation. Their custodial interrogation is not required and no recovery is to be effected from them.

Notice of motion.

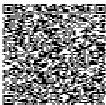


Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

At this stage, Mr. Varun Goyal, Advocate appeared and has filed his vakalatnama(s) on behalf of the complainant-Sanjay as well as victim-Shankar. The same are taken on record. He also affirms the factum of execution of aforementioned affidavits by the complainant-Sanjay and victim-Shankar. Learned counsel for the complainant/injured has no objection if the petitioners are permitted to join the investigation. It has been revealed from the record that the petitioners had previously joined the investigation during the pendency of the application for grant of pre arrest bail before the trial Court but the same subsequently was dismissed after noticing the injuries on the persons of the victims.

Adjourned to 26.09.2024.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”



A copy of this order be given to the counsel for the parties under the signature of the Bench Secretary of this Court.”

3. Status report filed on behalf of respondent-State is taken on record. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioners have joined investigation on 24.08.2024 and they are not required for custodial interrogation.
4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 23.08.2024, granting interim bail to the petitioners, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

26.09.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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