

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-43410-2024(O&M)
Date of Decision: 19.10.2024

VED PARKASH ...PETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Arpandeeep Narula, Advocate for the petitioner.
Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
553	13.08.2024	Rania, District Sirsa.	110, 115, 118(1), 126, 3(5) & 351(2) (subsequently added Section 118 (2) of Bharatiya Nyaya Sanhita, 2023.

2. Vide order dated 04.09.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 04.09.2024 is reproduced as under:-

“The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.553 dated 13.08.2024 registered under Sections 110, 115, 118(1), 126, 3(5) & 351(2) (subsequently added Section 118(2) of Bharatiya Nyaya Sanhita, 2023 (for short- BNS), at Police Station Rania, District Sirsa.



The brief facts are that the aforementioned FIR was registered on the basis of statement of the complainant-Mohar Singh on 13.08.2024 alleging therein that he was an Advocate by profession practicing in Ellenabad Courts. On 09.08.2024, at about 7:30 pm he along with his brother-Rajender was going towards their fields on a motorbike. When they had reached near their fields, they were intercepted by the present petitioner, his sons namely, Hanuman and Parhlad and co-accused Amar Singh and Rai Singh. They were armed with iron rods and sticks. They intercepted their way. While making an exhortation, the petitioner told the co-accused to eliminate the complainant and his brother and then all of them opened an attack upon them. The petitioner struck a blow with lathi on the shoulder of Rajender brother of the complainant, whereas all the other accused also caused injuries to the complainant and his brother. Rajender had fallen down and still he was assaulted by all the assailants. The rescue alarm raised by them had attracted several persons, on seeing whom, the assailants fled away while snatching the mobile phone of Rajender and by criminally extended threats to them. He alleged that there was dispute between the parties over installation of an electricity pole on the passage leading to the fields of the complainant party, by the accused. Initially a case under Sections 115, 118(1), 110, 351, 126 and 35 of BNS was registered. Subsequently Section 118(2) of BNS was added on receipt of CT scan report to the effect that upper bone of the right ear of the injured Rajender had been fractured and his hearing capacity might reduce due to that reason. Investigation proceedings were initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Sessions Judge, Sirsa vide order dated 28.08.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. There is



delay of 4 days in lodging the FIR which had created a doubt about the veracity of the version of the complainant as well as the other injured. The report regarding sustaining grievous injury by injured Rajender in his ear has been procured after a gap of 18 days from the date of alleged occurrence. The grievous injury had not been attributed to the petitioner. The offence under Section 118(2) of BNS has been added on the basis of report of a private doctor. The ingredients for commission of offence punishable under Section 110 are not attracted. The petitioner is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. Hence, it is argued that the petition deserves to be allowed.

Notice of motion.

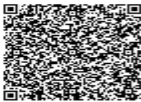
Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 19.10.2024.

In the meantime, the petitioner is 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 his arrest, the Investigating/Arresting Officer shall release the petitioner 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. ”

3. Learned State counsel has filed status report dated 18.10.2024.

The same is taken on record. He further, on instructions states that the petitioner has joined the investigation on 06.09.2024 and the weapon used by him at the place of occurrence has also been recovered. Custodial interrogation of the petitioner is not required. No useful purpose would be served by detaining him in custody. In view of the said facts but without



commenting on the merits of the case, the present petition is allowed and the order dated 04.09.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 482 of the Bharatiya Nagarik Surakhsa Sanhita, 2023.

October 19, 2024
vipin

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |