



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105 CRM-M-43710-2024
DATE OF DECISION: 05.09.2024

YOGESH ...PETITIONER

Versus

STATE OF HARYANA AND ANR ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Baljeet Beniwal, Advocate for the petitioner(s).
Mr. Chetan Sharma, DAG, Haryana.
Ms. Gursimran Walia, Advocate for respondent No.2.

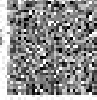
SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.149 dated 27.03.2024, under Sections 148, 149, 307, 323, 506 IPC, 1860 and Section 25 of Arms Act, 1959 registered at Police Station City Palwal, District Palwal.

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

‘Statement of Gulab @ Guddu son of Shri Omprakash R/O Prithla District Palwal, present address Kalyan Enclave behind Sam Cinema, Palwal, District Palwal, age 21 years, phone no. 8398033113, Stated that I am a resident of the above mentioned address and I am involved in the business of buying and selling of old vehicles and I am married. I have a son. On 25.03.2024 at 6/7 pm. I had gone on my scooter in the



streets of Kamal Car Shringar, where an altercation was going street, on between both the two persons in parties had gone the to their respective homes. That I and Kamal, Babu Gehlot, Krishna, Deepak, etc were standing on the road in front of Kamal's shop, that 6 boys came from the highway side on 2 motorcycles, who had swords and country-made pistols in their hands. They started running towards us as soon as they came and a boy named Krishna Fauji had a country made pistol in his hand and Kallu had a sword in his hand, Krishna shot me on the neck and Yogesh hit me on the head with the butt of a pistol in his hand and the accused Krishna, Kallu, Yogesh and three other unknown boys shot and attacked me with the intention to kill me. All the accused fled from the spot on their motorcycles after threatening to kill me. My friends took me to APEX HOSPITAL, Palwal for treatment. I am getting my treatment done in QRG MARRINGO ASIA SEC-16, FBD. Legal action should be taken against the accused. I have got written the statement and heard, which is correct.'

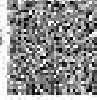
3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that the injury attributed to the petitioner is with butt of the pistol which has been declared simple in nature and there is no other incriminating material coming forth qua involvement of the present petitioner. He further argues that offence under Section 307 IPC would be made out against one co-accused Krishna @ Foji who has given fire arm injury on the neck.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from ASI Prem Singh opposes the prayer for grant of



anticipatory bail, however, could not dispute the facts mentioned by counsel for the petitioner rather asserts that the injury attributed to the petitioner is declared simple in nature.

On behalf of the complainant

Learned counsel for the complainant submits that parties have entered into compromise which is placed on record as Annexure P-3 and therefore, she has no objection if the present petition is allowed and the petitioner is enlarged on anticipatory bail.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, particularly to the effect that the parties have entered into compromise, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is ready and 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 hereby directed to be released on anticipatory bail subject to him 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 stand cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

05.09.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>