



212

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

CRM-M-49393-2024

Date of Decision:- 04.12.2024

VIRENDER ALIAS BINDER

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rishi Pal Chaudhary, Advocate for petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Ajay Kripal Singh, Advocate for complainant.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No.0162 dated 09.08.2024 under Sections 115 (2), 126 (2), 351 (3), 190, 191 (2) of BNS, 2023 (Sections 117 (2), 109, 61 (2) of BNS, 2023 added later-on) registered at Police Station City Safidon, District Jind.

2. As per facts of the case, Jagdeep Rathi gave his statement that on 09.08.2024 after completing his work he went to the market on his motorcycle No.HR-33-5598 and left for his village Sahanpur Road and one Ritz car stopped in front of his motorcycle to block the passage. Thereafter, two motorcycles also came and 7 unknown boys were riding motorcycles and car who were armed with bamboo sticks and iron rods. One of the boy was saying to give blows on his hands and legs whereas others were

saying to kill him. All of them caused him injuries and on the alarm raised by him, people gathered there. Thereafter, all the assailants left the spot on the said car and motorcycles with their respective weapons. With these allegations, present FIR was registered and later-on the name of present petitioner cropped up during investigation.

3. Learned counsel for petitioner argued that initially FIR No.255 dated 27.07.2024 was registered on his statement. Present FIR is counterblast to the said FIR to put pressure on him. Petitioner was named in the disclosure statement of Rahul and Jagdeep @ Bhundu. No specific role is attributed to him. He is ready to join investigation and abide by the terms of bail order.

4. Bail application is opposed by learned counsel representing State. Detailed status report has been filed which indicates that during the course of investigation, Aryan was arrested on 12.08.2024. Co-accused Rahul and Jagdeep @ Bhundu were arrested on 17.08.2024. Sahil @ Sunny and Vijay @ Deva were arrested on 30.08.2024 and qua them, challan is already presented on 20.11.2024. Present petitioner and other accused Geetesh @ Geetu Mota are yet to be arrested. Therefore, custodial interrogation is required. Therefore, he is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. As referred above in the FIR, no specific role is attributed to petitioner. Regarding other co-accused, challan is already presented. No purpose would be served by sending him behind the bars. It is also matter of record that earlier FIR No.255 dated 27.07.2024 was registered on the

statement of petitioner and later-on present FIR is registered on the statement of Jagdeep Rathi. Considering the aforesaid factual position, petition filed by petitioner Virender @ Binder is allowed. He be not arrested. In case he is arrested, he be released on bail to the satisfaction of Arresting Officer/Investigating Officer subject to the condition that petitioner will join investigation as and when required. He will not tamper with or interfere with the investigation and will not leave the country without prior permission as provided under Section 482 (2) of BNSS, 2023.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

04.12.2024
snd

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