



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

103

CRM-M-49761-2024  
DATE OF DECISION: 15.10.2024

VIPIN

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. L.K.Yadav, Advocate for the petitioner(s).  
Mr. B.S.Virk, Sr. DAG, Haryana.  
Mr. KDS Hooda, Advocate for the complainant.

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SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of B.N.S.S. praying for grant of anticipatory bail to the petitioner in FIR No.144 dated 26.03.2024 Under section 147, 148, 149,324, 506 of IPC 1860 (Sections 325 & 326 IPC were added lateron) Police Station: Sadar, Bhiwani., District Bhiwani.

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

*‘To, The SHO Sir, Police Station Sadar Bhiwani. Sir, it is submitted that that I am Krishna Kumar, son of Nihalchand, a permanent resident of village Dharedu, Bhiwani, I am 41 years old, I am raising my family by singing Kalam Prahu and E-Rikya, I am heart patient and two of my stents are dislocated and I am also physically weak. on25.03.2024, at about 5 pm in the evening wrestling was going on in Shri Shyam Baba temple. My brother's son Harish son of ShriDutt, Bhim Nambardar son*



*of Omi and Shri Bhagwan son of Norang entered into quarrel in wrestling match and slapped my nephew and tried to kill him by abusing him, there after Bitu (Shri Bhagwan) son of Norang called and informed other members of his family whose name is Ajit son of Baidu. (Bed prakash), Sombir son of Ved prakash, Satbir son of Om prakash (Omi) and Daya nand son of Omi, Deepak son of Hari kishan, Karmbir son of Hari kishan, Ajeel son of Prakash, Manoj son of Ramesh, Monu son of Murari, Sunil son of Pappu, Manish son of Pappu, Govind son of Pawan., Sanjay son of Indra, Subodh son of Mage ram with deadly weapons, Vipin son of Rammehar, Harish son of Rammehar, Karmaveer son of Jaikumar, Tiku son of Pawan, Rohit son of Pachan, all of them together tried to kill my nephew. The people of the village intervened and intervened to save my nephew. I was going home from the temple along with my son Sahil. On the way, when we reached near the house of Bhim son Omi, Monu son Murari dealt a blow of axe which hit my left hand and Ajit S/O Prakash dealt a blow of lathi on my head and Vipin S/O Rammehar dealt a blow of lathi which hit my left elbow. Bhim S/o Omi Nambardar dealt a blow of lathion the head of my son Sahil and Rammehar S/O Nanhata dealt a blow of lathion the right hand and thereafter Monu son of Murari, Vipin son of Ram Mehar, Manish son of Pappu (Umed), Sunil son of Umed (Pappu) and Subodh son of Mange Ram attacked my nephew namely Vikas son of Umed with sharp edged weapon by committing house trespass and also hit my daughter-in-law namely Richa wife of Deepak on her hand, when Radhe yshyam son of Netram tried to save, Manoj son of Ramesh gave blow of "Gandasi" on the head, whereas Murari son of Nanhata, Sanjay son of Inder hit with "lathies" as a result thereof he fell down and after felling down, Mohit son of Babu Lal, Karambir son of Hari Kishan, Deepak son of Hari Kishan gave blows of "lathies". Thereafter Murari son of Nanhata,P23*



*Ajit son of Parkash, Narainya son of Nanhta, Bhim son of Omi, Sombir son of Ved Paraksh, Gobinda son of Pawan attacked my elder brother namely Ram Bilas, aged about 73 years with "lathies". They also broke their bike after entering our house Sunil son of Pappu, Manish son of Pappu, Bhim son of Om Parkash, Daya Nand son of Om Parkash, Monu son of Murari, Pawan son of Gobinda son of Ram Mehar, Murari son of Arun, Sombir son of Bedu also misbehaved with sister-in-law (Bhabhi) namely Santra wife of Om Parkash while showing "lathies" sword and "khukhri" and also threatened with dire consequences. There is a threat to our lives from all these people who are hurting us with the intention of killing us. Strictest action should be taken against them and a case should be registered against all of them and we should be given justice.'*

### 3. Contentions

#### On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and it is a case of version and cross-version. He submits that no specific role has been attributed to the petitioner and no recover is to be made from the petitioner. He further submits that there is only one sharp injury on the person of Krishan Kumar and injury attracting Section 326 IPC is inflicted on the non-vital part and the same has been attributed to Monu who has already been granted concession of regular bail vide order dated 28.05.2024 passed in CRM-M-26206-2024.

#### On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail on the ground that for



conducting further investigation custodial interrogation of the petitioner is required, therefore, prays for dismissal of the petition.

**On behalf of the complainant**

Learned counsel for the complainant also vehemently opposes the prayer for grant of anticipatory bail to the petitioner by submitting that the petitioner was part of the unlawful assembly along with the other co-accused persons who gave injuries to the complainant side with dangerous weapons.

**4. Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties particularly to the effect that no recovery is to be made from the petitioner and other co-accused who has been attributed with sharp injury has already been granted concession of bail, 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 within the stipulated time period.

**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 stand allowed.

(SANDEEP MOUDGIL)  
JUDGE

15.10.2024  
anuradha

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |