



Kumar alleging therein that he was working as Manager at Surya Vilas Hotel, Narnaul. On the night of 28.04.2024, the present petitioner along with two more persons came to the hotel in a swift dzire vehicle and got allotted a room. As the petitioner and his companions started creating nuisance after some time, therefore, the complainant and other employees of the hotel tried to prevail good sense upon them but instead of relenting, they started assaulting them. The complainant tried to call police by dialing at number 112 but the petitioners snatched his mobile phone and also took away of cash amount of Rs. 900/- kept in the pocket of his colleague Amit. One of the assailants, tried to hit the complainant with a beer bottle. Two of them were chased and were apprehended. The co-accused Abhimanyu has since been extended benefit of bail. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Narnaul which was dismissed vide order dated 20.09.2024

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of one delay in lodging of the FIR. The petitioner was not named in the FIR. The offence under Section 379-A of IPC has not been made out against him. No injury has been attributed to him. There is nothing on record to show that he was the aggressor. His custodial interrogation is not required. It is argued that as mentioned in the FIR itself, nothing clear could be detected from



the footage of CCTV camera installed in the hotel of the complainant to infer that the petitioner or the co-accused had snatched any mobile phone or a sum of Rs.900/- as alleged in the FIR. As such, it is a debatable question as to whether the ingredients of offence under Section 379-A of IPC are attracted at all as against the petitioner? It is also submitted that the co-accused Gaurav, Ajay and Abhimanyu have been extended benefit of bail. Therefore, it is urged that on the ground of parity, the petitioner deserves to be released on pre-arrest bail.

Notice of motion.

On asking of the Court, Mr. Arjun Lakhanpal, Addl., A.G., Haryana accepts notice on behalf of the respondent-State and resisted the petition by submitting that for conducting thorough investigation in the matter custodial interrogation of the petitioner is required. For filing status report, he seeks some time.

Adjourned to 27.11.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. 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 482(2) the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS')."



3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 09.10.2024 and he is 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 03.10.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

27.11.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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