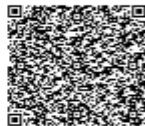


2024:PHHC:133501



129 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50690-2024 (O&M)
DECIDED ON: 14.10.2024

KARTIK SHARMA

PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Bhanu Pratap Singh, Advocate,
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. *Relief Sought*

The jurisdiction of this Court under Section 438 of Code of Criminal Procedure has been invoked 2nd time seeking anticipatory bail to the petitioner in case FIR No. 97, dated 01.02.2023, under Sections 148, 149, 323, 324, 326 and 506 of the Indian Penal Code, 1860, registered at Police Station Samalkha, District Panipat.

2. *Facts*

The factual matrix of the present case is that on 31.01.2023, Head Constable Krishan responded to a control room tip about Rishav's injury at Dev Hospital, Panipat. Initially, the doctor deemed Rishav unfit to statement. Thereafter, on the next day i.e. 01.02.2023, concerned doctor opined injured as fit to make a statement and the complainant presented an

application alleging therein that on 30.01.2023, his friend Paras had a scuffle with Monti Sharma and Paras had telephonically called him. He went there and compromised the matter between them and they left the spot. Thereafter, on 31.01.2023, Monti telephonically called his friend Sanju and called them at grain market for compromising the matter. Thereafter, he (complainant) alongwith Sanju, Manjeet and Naveen reached there and Monti Sharma, Kartik Sharma and Himanshu also reached there. Some other boys also reached there on their motor-cycle, however, he did not know them. The complainant further alleged that they were having conversation and in the meantime, Monti Shrama attacked upon Sanju and then all the boys accompanying him attacked upon them with lathi, danda and bricks. When they were trying to run away, two boys chased him with dandas and someone hit knife blow on his chest. On the basis of afore-said allegations, a case under Sections 148, 149, 323, 324 and 506 of IPC was registered.

3. Contentions

On behalf of the petitioner:

Learned counsel for the petitioner has placed reliance upon an affidavit of Rishav, complainant, which is annexed with the present petition as Annexure P-3, wherein, he has categorically stated that the present petitioner has no role to play in the fight or in causing any injury to him and thereafter also he has been nominated in the present FIR on some wrong surmises.

Notice of motion.

On behalf of respondent-State

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG,

Haryana, having been served with an advance copy, accepts the notice on behalf of respondent-State whereas, Ms. Gursimran Kaur, Advocate has put in appearance on behalf of complainant-Rishav and filed her power of attorney, which is taken on record.

Learned counsel appearing for the complainant does not controvert the fact that no injury has been attributed to the present petitioner.

4. Analysis & Conclusion

Admittedly, the petitioner was nominated in the present FIR but the complainant himself has admitted that the petitioner has no role to play in causing the injuries to him. An affidavit has also been furnished by the complainant, which is attached with the present petition as Annexure P-3, which is sufficient for this Court to infer that the petitioner would earn acquittal.

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 the investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, upon 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 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

14.10.2024
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|---------------------------------|----------|
| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |