



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

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**CRM-M No.52989 of 2024
Date of decision: 09.12.2024**

PARVEEN KUMAR BHATI**.... Petitioner****Versus****STATE OF HARYANA****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Ashish Jhamb, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.417 dated 13.09.2024 registered under Sections 115(1), 118(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short- 'BNS') (Section 238 of BNS added later on) at Police Station SGM Nagar, Faridabad.

2. Vide order dated 24.10.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 24.10.2024, passed by this Court, reads as under:

“The instant petition has been filed for grant of anticipatory bail to the petitioner in case arising out of FIR No.417 dated 13.09.2024 registered under Sections 115(1), 118(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short- 'BNS') (Section 238 of BNS added later on) at Police Station SGM Nagar, Faridabad on the basis of written statement lodged by the complainant-Ravinder alleging therein that on 12.02.2024 on receipt of an information that



his brother-Bhoop Singh was lying in the back lane of his house in an injured condition, he rushed towards the spot and found the victim to be lying in critical condition. He was taken to the hospital and was under treatment. The complainant alleged that he came to know that victim had been assaulted by the present petitioner and co-accused Rahul who had attacked upon him with a sharp weapon. Victim was opined unfit to record statement. After registration of the FIR, investigation proceedings have been initiated and are underway. Co-accused Rahul has been arrested and the during the course of investigation, the petitioner got recorded his statement that the present petitioner was present at the time of occurrence. He got recorded his supplementary statement on 25.09.2024 to the effect that the petitioner had pushed whereas the co-accused Rahul has struck a blow with some sharp edge weapon in his neck and no incident of snatching has taken place. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail which had been dismissed by the Court of learned Sessions Judge, Faridabad vide order dated 18.10.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He is landlord of co-accused Rahul and the said Rahul had inflicted injuries on the neck of the injured Bhoop Singh. The petitioner had not participated in the occurrence. He was not even present at the time of commission of offence. The only allegation as levelled against the petitioner is that he had instigated the co-accused. His custodial interrogation is not required. No recovery is to be effected from him.



He is ready to join the investigation. Therefore, it is urged that the petitioner deserves to be extended benefit of bail.

Notice of motion.

At this stage, Mr. Arjun Dhingra, Advocate appeared and has filed his vakalatnama on behalf of respondent No.2. The same is taken on record.

Learned State counsel who has appeared on advance notice of the present petition assisted by learned counsel for respondent No.2 has submitted that there is specific allegation against the present petitioner that on his instigation, co-accused had inflicted injuries on the person of the injured Bhoop Singh. Therefore, it is urged that keeping in view the gravity of allegation as levelled against the petitioner, the petitioner does not deserve to be extended benefit of bail.

Adjourned to 09.12.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Status report dated 27.11.2024 filed on behalf of respondent-State be tagged at appropriate place. Learned State counsel, on instructions from the



Investigating Officer, has submitted that the petitioner has joined investigation on 29.10.2024 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 24.10.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

09.12.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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