

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54254-2024
DECIDED ON: 29.10.2024

KRISHAN

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Baljeet Beniwal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of The Bharatiya
Nagarik Suraksha Sanhita, 2023, has been invoked seeking the concession for the
grant of anticipatory bail to the petitioner in FIR No.149 dated 27.03.2024, under
Sections 148, 149, 307, 323, 506 IPC, 1860 and Section 25 of Arms Act, 1959
registered at Police Station City Palwal, District Palwal.

2. Facts

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

*‘Statement of Gulab @ Guddu son of Shri Omprakash R/O Prithla
District Palwal, present address Kalyan Enclave behind Sam Cinema,
Palwal, District Palwal, age 21 years, phone no.8398033113, Stated
that I am a resident of the above mentioned address and I am involved
in the business of buying and selling of old vehicles and I am married.*

I have a son. On 25.03.2024 at 6/7 pm. I had gone on my scooter in the streets of Kamal Car Shringar, where an altercation was going street, on between both the two persons in parties had gone the to their respective homes. That I and Kamal, Babu Gehlot, Krishna, Deepak, etc were standing on the road in front of Kamal's shop, that 6 boys came from the highway side on 2 motorcycles, who had swords and country-made pistols in their hands. They started running towards us as soon as they came and a boy named Krishna Fauji had a country made pistol in his hand and Kallu had a sword in his hand, Krishna shot me on the neck and Yogesh hit me on the head with the butt of a pistol in his hand and the accused Krishna, Kallu, Yogesh and three other unknown boys shot and attacked me with the intention to kill me. All the accused fled from the spot on their motorcycles after threatening to kill me. My friends took me to APEX HOSPITAL, Palwal for treatment. I am getting my treatment done in QRG MARRINGO ASIA SEC-16, FBD. Legal action should be taken against the accused. I have got written the statement and heard, which is correct.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner without making the submissions on merits submits that the parties have amicably resolved the matter and in view thereof, a compromise has been placed on record at Annexure P-2 dated 15.08.2024.

Notice of motion.

On behalf of the respondent/State

Learned State Counsel appearing on advance notice on instructions from ASI Prem Singh opposes the prayer for grant of anticipatory bail, however, could not dispute the facts with regard to the settlement arrived between the parties.

Ms. Gursimran Walia, learned counsel for the complainant submits that parties have entered into compromise which is placed on record as Annexure P-2 and therefore, she has no objection if the present petition is allowed and the petitioner is enlarged on anticipatory bail.

4. Analysis & Decisions

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, particularly to the effect that the parties have entered into compromise, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

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 10 days 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 do 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.

29.10.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No