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2024:PHHC:142321

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54262-2024
DECIDED ON: 29.10.2024

AMANDEEPPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajay Kadyan, 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.193 dated 01.07.2024, under Sections 186, 332, 353 of IPC, 1860 registered at Police Station Sadar Safidon, District Jind.

2. Facts

The prosecution story set up in the present case as per the version narrated in the FIR read as under :-

“That the brief facts leading to file of the present bail are that "An FIR has been lodged by SDO DHBVN, Safidon against Sh. Amandeep (Sonu) S/O Sh. Kulwant Singh and Sh. Ajit Sarpanch r/o Village Dharmgarh Teh. Safidon. A theft detecting team (Sh. Subash JE, Sh. Sanjay AFM, Sh. Mohinder LM and Sh. Rajender LM) has intimated to this office that Sh. Amandeep (Sonu) S/O Sh. Kulwant Singh and Sh. Ajit Sarpanch r/o Village Dharmgarh Teh. Safidon quarrel, beaten and abused to the above said staff while they were checking their premises and also snatched mobile phone from Sh. Sanjay, (AFM). They made obstacle to perform the Nigam's duty. Therefore it is requested to lodge the FIR against Sh. Amandeep (Sonu) S/O Sh. Kulwant Singh and Sh. Ajit Sarpanch r/o Village Dharmgarh Teh. Safidon quarrelled, beaten and abused to the above said staff while they were checking their

premises and these person also snatched mobile phone from Sanjay AFM. They made obstacle to perform nigram's duty. Prayer was made for taking legal action against the accused persons." Accordingly, on the basis of these facts, FIR in question was registered.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner submits that perusal of the FIR would reveal that there was an oral scuffle between both the parties, as neither there was any medical report nor there was any snatching of mobile phone. He further asserts that the compromise has already been effected between the parties and in support thereof a compromise Panchayati deed has been placed on record at Annexure P-3 dated 09.09.2024.

Notice of motion.

On behalf of the respondent/State

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State, who prays for dismissal of the present petition on the ground that investigation is at initial stage, wherein the petitioner has quarrelled, abused and given beatings to the staff members of Electricity Department, who were checking the premises of the petitioner.

4. Analysis & Decisions

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the petitioner, 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.

(SANDEEP MOUDGIL)
JUDGE

29.10.2024

Meenu

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