

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-58684-2024

DATE OF DECISION: 25.11.2024

NARESH KUMAR

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Chirag Kundu, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.
Mr. Ravinder Bangar, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)1. **Relief Sought**

This petition has been filed under Section 482 of BNSS, 2023 for grant of Anticipatory Bail to the petitioner in FIR No. 188 dated 08.11.2024 under Sections 115(2), 3(5), 324 (4), 333, 351(2) of BNS, 2023, P.S. Ismailabad, Kurukshetra.

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

'12. One complaint No. 1955- Peshi Dated 08.11.2024 received from S.P. Office Kurukshetra which is like this, respected S.P. Sir Kurukshetra. Subject: Regarding threat extended on phone as well as in person to kill and also entering in house illegally and attacking us and breaking the camera. Respected Sir, I Ram Pal s/o Sh. Jeet Singh r/o Village Thol, District Kurukshetra. That on dated 02.11.2024 at about 08:30 AM. Mohit s/o Gurcharan and Naresh s/o Sh. Gurmail Singh and Gurcharan s/o Sh. Rishipal r/o Village Thol attacked with danda and gandasi by entering the house and fought with us and used abusive language and threatened to kill me and my family.



Then on dated 03.11.2024 at about 07:30 PM above mentioned all three accused having gandasi, danda attacked my house and damaged my CCTV Camera and fought with me and my family and threatened us to kill. When they were destroying my Camera. I recorded everything in my Camera and phone. And thereafter on the same night at about 10:00 PM I gave complaint in P.S. Ismailabad in which IO, SI Jasbir was appointed. He next day on dated 01.11.2024 did proceeding u/s 107 IPC/150, 151 and released the accused person and the above mentioned persons have stopped us from going out and repeatedly give threat to kill us, and because of fear my kids are also not able to go to school and since then my mother is in shock, her treatment is going on and for her medicine also we go out hiding in somebody else's car so that the accused may not know. Accused person also sit with unknown persons having criminal nature and in my field also some a unknown person walk around on motor and me and my family have threat to our lives from them. The above mentioned accused persons can attack on me and my family at any time. Therefore it is requested to you that we be saved from these accused persons and appropriate legal action be taken against the accused persons, I will be highly thankful to you. SD Ramlal Son of Jeet Singh r/o VPO Thol, District Kurukshetra.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and there is unexplained delay of 6 days in lodging the FIR. He submits that the present case is no injury case and there is no MLR on record to substantiate the allegations made in the present FIR. He further submits that both the parties had scuffle and therefore, were challaned by the police under Section 107/151 Cr.P.C. in which the petitioner was granted bail.

**On behalf of the State**

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that as per CCTV footage, the presence of the petitioner is proved but he could not controvert the fact that it is a case of no injury.

On behalf of the complainant

Learned counsel for the complainant, in addition to the assertions made by State Counsel, submits that in the CCTV footage, the petitioner can be seen with sword and damaging the cameras which needs to be examined by the investigating agency.

4. Analysis

Be that as it may, since the CCTV footage is also in the possession of the Investigating Agency, the custodial interrogation of the petitioner is not warranted, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. Decision

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 one week 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 does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

25.11.2024
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No