

2024:PHHC:156560



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59076-2024
DECIDED ON: 27.11.2024

SANDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sachin Manakash, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked for the 2nd time under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.396, dated 18.08.2024, under Sections 191(3), 190, 115(2), 333, 351(2) of BNS and Section 117(2) of BNS added later on during the investigation, registered at Police Station Jind City Jind (Haryana).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Sir, Police Post Incharge, Police Post Rohtak Road, Jind, Sir, Subject: Application for registering a case and taking legal action against 1. Sunil (Mobile No. 9466662533) 2. Sandeep (Mobile No. 9255000103) S/o Bhadar Singh 3. Ravi S/o unknown 4. Vijay S/o Maduram 5. Lalit S/o unknown 6. Suresh S/o Bulli 7. Lalit's wife 8. Another unknown woman

resident of Gali No. 112 Quarter, Hisar and Jaidev ki Dhani, Hisar, for entering the house of the applicant and attacked him with intent to kill, beat him, caused serious injuries, and threatened to kill him in connivence with others and for investigation of the role of Suman W/o Nirmal Singh. Sir, my humble request is that I, Sandeep S/o Mahendra Singh aged 29 years R/o Ram Nagar, Rohtak Road, Jind was sleeping at about 6 am on 11.08.2024 and my wife Smt. Pooja, my father Mahendra Singh, mother Smt. Koshalya Devi, my elder brother Nirmal Singh, my elder brother's wife Smt. Suman and our children were also present in the house at that time. Some members were Sleeping and some were awake. At about 6:15 am, the above-mentioned accused knocked on the door of our house, which was opened by my nephew Himanshu. As soon as the door latch opened, the accused entered forcefully by pushing the door while abusing and locked the door and reached the first floor where I was sleeping. During this I also woke up hearing the noise then Sandeep, accused no. 2, caught hold of me and snatched my phone. Meanwhile, my mother, father, wife and brother Nirmal came to save me then all the above accused started beating us and Sunil picked up a wooden bat used for washing cloths lying there and hit me and my brother. Lalit snatched the stick (steel dogra) from the hands of my ailing mother and hit me and my mother with it and pushed her to fell down despite my mother had undergone knee surgery just a month back. Ravi hit me and my brother Nirmal with his belt. Suresh, Vijay and others kicked and punched us and all the accused were threatening to kill us while abusing us. The two women who came with them also slapped, punched and abused us and kept instigating other by saying that to teach them a permanent lesson. Sandeep hit me and my brother Nirmal by stick lying there. Due to the injuries inflicted by Sandeep and others, my brother Nirmal Singh suffered injury above his eye and waist and on left ear which made him lose his hearing. Apart from this, I got injuries inflicted on my left eye, shoulder and on other parts by the accused. My mother got injuries on her neck and leg. Meanwhile, my father somehow managed to escape from the accused and reached Jind police station, from where he informed the police on 112 about this attack. During this people from the neighborhood gathered when we shouted for help, on which the accused left the spot while threatening to kill us. The entire incident was recorded in the CCTV camera installed in shop located in front of our house, in which the above eight accused are clearly seen entering our house with the intention to attack, which I will present if you ask for it., the above two women and the accused Sandeep and Lalit are seen getting out from an i20 car in the

above said CCTV footage. Who other culprits along with the above accused are involved in this fatal attack, in this conspiracy and plot, themselves and the culprits, who were in other vehicles and entered our house to attack us and injured us, all of them should be searched and our life and property should be protected. Accused had already fled away before 112 police vehicle could reach our house. We are completely sure that my brother Nirmal's wife, Mrs. Suman is involved in this incident with the attackers and she is also involved in the conspiracy of this deadly attack. Her mobile number is 8818054988) and the call details and location of the mobile numbers of the accused should also be obtained immediately so that the entire truth can be unveiled and all accused attackers can be punished for their deeds. Our life and property be protected. Yesterday, I, my brother Nirmal and my mother were medical examined in government hospital, that the original MLR of the medical examination is attached herewith. As it was Sunday thus CT scan of my brother and mother could not be performed yesterday, which was done today in Civil Hospital Jind, report of which is recommended by the doctor to be given to the police only. Yesterday my mother's health was deteriorated, as she was in shock and my brother Nirmal had a lot of pain in his ear, whose CT scan was not done and my brother was also treated by orthopedician of Jain Dharmarth Hospital, Jind, plastered had been applied and today my brother Nirmal has been admitted to the General Hospital Jind for surgery due to severe problem in his ear, that due to this arrangement and compulsion we were not able to submit a written complaint yesterday. You are requested that strict action should be taken against the accused by taking all the recordings and CCTV footage in custody. The reason for this attack is that my brother Nirmal is having a dispute with his in-laws and accused Sandeep and Sunil are real brothers-in-law of my brother Nirmal and all accused are their family members. The mobile phone which Sandeep had snatched from me was found outside the house. Thank you. SD Sandeep Applicant Sandeep (Mobile No. 9138223344) S/o Shri Mahendra Singh resident of Ram Nagar Arya Samaj Street Jind. Police proceeding - On 12.08.2024 the above mentioned application of above mentioned Sandeep was received, whose details were verified and today complainant Sandeep has presented a CCTV footage in pen drive, that from verification of the facts and perusal of the pen drive and 3 injuries in MR No. PS/DCH/J/D79/2024 dt 11.08.2024 and 2 injuries in MLR No. PS/DCHJ/D80/2024 dt 11.08.2024 and MLR No. PS/DCHJ/D77/2024 dt 11.08.2024 and injuries as shown in MLR No. PS/DCH/D78/2024 dt 11.08.2024, the offence u/s 191(3), 190, 115(2), 333,

351(2) of BNS is found to be committed. On which, the same was received at police station through S.P.O. Punjab 5 for registration of FIR. After registration of FIR be informed. I S.I. is busy in investigation. Today police post Rohtak Road Jind SD Narender Singh SI P.P. Rtk. Rd. Jind Dt. 18.08.2024 at 06.35 PM.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the instant FIR is a counter blast to the applications dated 09.08.2024 (Annexure P-2) and 11.08.2024 (Annexure P-6) and the trial Court has also enlarged the petitioner on ad interim bail, but subsequently the offence under Section 117(2) BNS was added with the alleged grievous injury upon the persons of victim/complainant namely Nirmal Singh, and, therefore, anticipatory bail application was dismissed. It is further contended that the petitioner has earlier approached this Court seeking anticipatory bail vide CRM-M-58499-2024, but the same was dismissed as withdrawn with liberty to file afresh, vide order dated 22.11.2024 (Annexure P-9).

Notice of motion.

On behalf of the State

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State, who does not controvert the fact that he was earlier on ad interim bail, but the same was dismissed on account of addition of Section 117(2) of BNS, 2023. He submits that though the petitioner has joined the investigation, but the alleged stick used by him as per narrated version of FIR is yet to be recovered, therefore, prays for custodial interrogation of the petitioner.

4. **Analysis**

Be that as it may, having given a considerable thought to the aforesaid submissions made by learned counsel for respective parties, it is only the alleged stick which is yet to be recovered, as has been submitted by learned State counsel, but this argument also do not carry much weight in the mind of the Court to conclude for dismissal of the instant petition, since as an admitted fact, the petitioner has already joined the investigation and, therefore, no useful purpose would be served by sending the petitioner behind bars.

In the light of above, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner have 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.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

27.11.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>