



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60301-2024 (O&M)
DECIDED ON: 10.12.2024

ASHISH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-48646-2024

This is an application under Section 528 of BNSS, 2023 for modification of the 'Headnote' and 'prayer clause' in the instant petition to the extent that Section 117(2) of BNS, 2023 be added in the list of Sections.

For the reasons mentioned in the application as well as submissions made before this Court, the application is allowed and Section 117(2) of BNS, 2023 is ordered to be added in the headnote as well as prayer clause of the present petition along with other Sections.

The application stands disposed of.

CRM-M-60301-2024

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR

No.226, dated 12.10.2024, under Sections 110, 115, 3(5), 351(2), 117(2) of BNS, 2023, registered at Police Station Rai, Sonapat.

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

“To, SHO Sir, Police Station Rai Sonipat, Sir, it is requested that I am Sahil son of Balraj, resident of Jathedi. Today on 12/10/2024, my brother Sagar and I had gone to our farm to get the Jowar Bharota. After taking the Bharota, I put it on the back of my motorcycle No. HR10L8637 and headed towards home. My brother Sagar was coming home on foot behind me. When I reached the opposite side road in front of Max-Hight Metroview society at around 10.15 AM, a white coloured Tata Tiago car coming from behind hit my motorcycle from the side due to which I fell down on the road along with the motorcycle. After that two boys Sukchain S/ Sanjay and another boy Ashish S/o Subhash, both are resident of my Village Jathedi, came down from the Tata Tiago car. I saw that Sukchain had a sword in his hand and Ashish had a club in his hand. Then Sukchain attacked my head with the sword and Ashish attacked my leg with the club due to which I fainted. After that when I regained consciousness, I was in the hospital (government) and my brother Sagar told me that Sukchain and Ashish said that we have taken our revenge and if you try to mess with us again, we will kill you. On 6t March this year, both of us brothers had gone to Sonipat for the marriage of Bittu, a boy from our own village, where we had an altercation and fight with Sukchain and Ashish, regarding which we had a mutual compromise in our village. Sukchain and Ashish were holding a grudge in their hearts since that day. And today due to the same grudge, both of them attacked me with

intent to kill and also threatened to kill my brother Sagar before leaving. Strict action should be taken against Sukchain and Ashish. I am giving this request to you after getting it written by my Sagar on my behalf. SD Sahil Applicant Sahil S/o Balraj Village Jathedi M-8307354523 SD Sagar Sagar 8708435310.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the allegation against the petitioner is that he attacked the complainant with club on his leg due to which he fell unconscious. He further contends that the petitioner has been falsely implicated in the present FIR due to previous enmity between the complainant and the petitioner. It has been contended that nothing is to be recovered from the present petitioner. It has been further contended that the petitioner is not involved in any other case and is ready and willing to join the investigation and cooperate with the investigating officer.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the grant of anticipatory bail on the ground that the petitioner along with co-accused Sukhchain in furtherance of their common intention attacked upon the complainant with sword and club and caused injuries and on that ground seeks dismissal of the instant petition.

4. **Analysis**

Be that as it may, considering the fact that the petitioner is not involved in any other case, meaning thereby he is not a habitual offender; the petitioner has been falsely implicated in the present case due to old

rivalry added to the fact that custodial interrogation of the petitioner is not required at this stage as no recovery is to be effected from the present petitioner.

5. **Decision**

In the light of above, 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.

10.12.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No