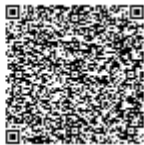


2024:PHHC:162361



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60973-2024
DECIDED ON: 05.12.2024

MOHIT

.....PETITIONER

VERSUS

STATE OF UT. CHANDIGARH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manjot Singh Gujral, Advocate
for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P., UT, Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

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.0075, dated 19.09.2024, under Sections 190, 191(2), 191(3), 126(2), 115(2), 118(1), 109(2) of BNS, 2023, registered at Police Station Mauli Jagran, District Chandigarh.

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

“To SHO Sir, PS Mauli Jagra, UT, Chandigarh. Sir, I am Alok Kumar 50 Manoj, resident of House No. 77 Mauli Complex Mauli Jagra, and sell vegetables in Sec 26. On 17.09.2024, at 4 pm, I had an argument with a boy named Noni over something. Then when I started going towards the petrol pump there, Noni,

Vijay and Mohit, and Krish stopped me on the way and said that now we will teach you a lesson. Noni caught me from behind and Vijay hit me with a from the backside of the knife on my head, then people gathered there and both of them ran away from there. Then when I reached Mouli Complex from there, around 6-7 boys there whom I already know, their names are Vijay, Nauni, Anuj, Adi, Mohit and one or two more boys and Krish and the rest whom I can recognize if they come in front of me, all of them surrounded me. Vijay said that now we will not leave you alive. Saying this, Vijay pushed me and said that he will not rest until he cuts my neck. Saying this, Vijay attacked my neck with full force with the knife he was holding in his hand. But I moved back and Vijay fell down and I was saved. In the meantime, all these other boys kicked, punched and attacked me with their hands. Then Vijay said that he will make a hole in my head and hit me and Vijay also hit me with full force on my head. All of them kept attacking me and I kept trying to defend myself. All of them tore my clothes and made me naked. They dragged me on the road by holding my hair. A large crowd gathered there and they all ran away from there. These boys Vijay, Noni, Krish, Adi, Anuj, Mohit etc tried to kill me and injured me by hitting me with punches, kicks and sharp-edged weapons. Action should be taken against all of them.

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner would contend that except the allegations against the petitioner, being in the company of the other co-accused persons namely Vijay, Nauni, Anuj, Adi and Krish other than that no offensive role has been attributed to the present petitioner. He further submits that the injury has been caused on the person of complainant as alleged in the instant FIR is a result of an act by co-accused namely Vijay, who firstly push the complainant and thereafter attack with backside of the knife, which hit on the head of the complainant.

On behalf of the State

Learned State Counsel appearing on advance notice, seeks dismissal of the instant petition on the ground that in the instant FIR, the name of the petitioner has been stated with specific attribution i.e., giving Punches and as a result of which, the complainant got injured and therefore, it would inappropriate to allow him the concession of anticipatory bail asserting that his custodial interrogation is required to extract more information qua the commissioning of offence.

4. Analysis

Be that as it may, having given a considerable thought to the contents of the FIR with the assistance of learned State counsel, the main injury given on the person of the complainant with backside of the knife is attributed to Vijay and general allegations of giving kicks and punches has been attributed to the present petitioner and the other co-accused persons. It is also to be borne in mind that false implication of the petitioner cannot be ruled out at this stage, prima facie considering specific stance of the petitioner that due to his earlier personal grudge with the complainant, he has been roped in the instant FIR added with the fact that the MLR does not suggest any serious injury, which could attract the offences as mentioned in the instant FIR.

In the light of above, 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 in 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.

05.12.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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