

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

139

CRM-M-62556-2024
DATE OF DECISION: 12.12.2024

SAMSUDDIN ...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanyam Khetarpal, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of Anticipatory Bail to the petitioner in FIR No. 350 dated 29.05.2024 under Section 365/379A/506/384/34 of IPC, 1860 P.S. Mujessar, District Faridabad, Haryana (Annexure P-1).

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

"To, the station In-Charge, Sanjay Colony, Faridabad. Subject Request for Legal Action. Sir, I, Rajesh Kumar Patel, son of Shri Ram Ek bal Patel, resident of Rampur Khajuria, Police Station Dumriaghat, District Motihari, Bihar, and presently residing as a tenant at 9 Kapasiya House, near Sudarshan Hospital, Mukesh Colony, Ballabgarh, Faridabad, wish to bring the following matter to your kind attention that Approximately 4-5 days ago, I received a call from an unknown girl who started talking to me. On 28.05.2024, at around 11:30



PM, this girl met me at the market of 1/2 and requested me to drop her at Sarurpur bridge. As no vehicle was available, I agreed to drop her at the bridge. I was riding my black Splendor motorcycle with registration number HR-29AA-5963. Upon reaching the bridge, the girl called four boys there by using her phone, they arrived on two motorcycles. They pulled me off from my motorcycle and forced me to ride on one of their motorcycles. They then took me to the bushes near a drain, where they all give me beatings. They snatched RS. 5,000/- in cash and two Samsung mobile phones models A34 5G and A12S 2018 (4G) from the pocket of my shirt. They forcibly obtained the PIN code of my PhonePe account and subsequently withdrew Rs.1,00,000/- from my account. My mobile phones had SIM cards with numbers 8920190272 and 8527546156. While fleeing, they threatened me, saying that if I reported the incident to the police, they would kill me. I request you to take legal action against them.

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 as he was not named in the FIR. He submits that the petitioner's name was dragged only on the basis of the disclosure statement made by one of the co-accused, moreover, no specific role has been attributed to him. He further submits that co-accused Farzana @ Fara and Jamshed have already been granted concession of regular bail vide orders dated 30.08.2024 and 18.10.2024 by this Court and the Trial Court respectively.

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 the petitioner has actively participated in the offence and there are allegation of snatching two mobile phones from the complainant.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties and the fact that the co-accused have already been granted concession of regular bail by this Court and the Trial Court, moreover, initially the petitioner was not named in the FIR and only on the basis of the disclosure statement made by one of the co-accused the name of the petitioner was dragged in this FIR, moreso, no specific role has been attributed to him, 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

12.12.2024
anuradha

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