



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M No.853 of 2025 (O&M)
Date of decision: 14.02.2025

Dhani Ram
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tarun Singla, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Dishant Rishi, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.0230 dated 25.11.2024 under Sections 303 of BNS registered at Police Station Bajghera District Gurugram.
2. On 13.01.2025, the following order was passed:-

“XX XX XX XX

Learned counsel for the petitioner inter alia contends that the petitioner has been nominated as an accused on the basis of information supplied by Sonu who allegedly was found to have been attempting to sell the stolen vehicle of the complainant and surprisingly, the aforementioned Sonu has not been nominated as an accused. Moreover, the maximum sentence under which the FIR was lodged is punishable upto 03 years and no notice under Section 35 of BNSS (earlier Section 41-A of Cr.P.C.) has been served upon the petitioner.

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Notice of motion.

On the asking of the Court, Mr. Pankaj Midha, Addl.A.G., Haryana, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer made by counsel for the petitioner on the ground that the petitioner has not disclosed his antecedents that he is involved in other cases.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS (earlier Section 438 (2) Cr.P.C.).*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 14.02.2025.

The learned State counsel is directed to supply the details of the cases which are pending against the petitioner.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel assisted by learned counsel for the complainant and on instructions from SI Manoj, at the very outset, submits that the petitioner is a habitual offender and he is involved in 09 cases and the recovery of the stolen vehicle is yet to be made.

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4. Per contra, learned counsel for the petitioner submits that the petitioner has been acquitted in 06 cases and he is facing trial only in 03 cases and further the jurisdictional police authorities have not arrested Sonu and as per the case set up by the prosecution, Sonu was trying to sell the stolen trolley and named the petitioner, however till date, the aforementioned Sonu has neither been arrested nor made as an accused and keeping in view of the fact that the maximum sentence provided in the aforementioned FIR, is punishable upto 03 years and the petitioner has already joined the investigation.

5. Learned State counsel has filed the status report by way of affidavit of Varun Kumar Dahiya, Assistant Commissioner of Police, Crime-I, Gurugram, and affirms the fact that the petitioner has joined the investigation.

6. In view of the statement of learned State counsel, order dated 13.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).

7. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

14.02.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No