



211 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-865-2025

Date of Decision: 17.01.2025

Amrish Sharma

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Siddarth, Advocate
 for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.271 dated 27.10.2024, registered under Sections 61(2), 109, 115(2), 117(2), 118(2), 190, 191(1), 238, 324(4), 333, 351 (2) of BNS, 2023, at Police Station Radaur, Yamunanagar.

2. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor there is any averment, which even connects him with the commission of crime in any manner. He further contends that even the statements of various witnesses were recorded and no overt act has been attributed to him. As per him, injury No.1 suffered by Balwan Singh was declared to be dangerous to life, however, the said injury attributed to Ankush, co-accused and Ankush has already been arrested by the police. Learned counsel further contends that as per CCTV footage, the petitioner was seen



carrying an iron pipe in his hand, but he has not caused any injury to anyone. As per the case of the prosecution, Balwan Singh had suffered three injuries, whereas Mahinder Singh, injured had suffered five injuries and the police has already arrested 11 persons for causing the said injuries. He further contends that even at a subsequent stage, it has not been mentioned that the petitioner had caused any injury to any injured in the present case.

3. On the other hand, reply by way of an affidavit of Superintendent of Police, Radaur, Yamuna Nagar has been filed on behalf of the respondent-State in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was part of the mob, which has trespassed into the house of the brother of the complainant and caused injuries to two persons. He further contends that 8 more cases were ordered to be registered against the petitioner and the petition is liable to be dismissed by this Court.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, the petitioner was not initially named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by co-accused. Moreover, the prosecution is yet to lead evidence with regard to the involvement of the petitioner in the crime. No specific role has been assigned to him.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the BNSS. It will be open for the Investigating Officer to call the petitioner to join



investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of the BNSS.

17.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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