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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1010-2025
DATE OF DECISION: 13.01.2025

SUKHCHAIN ...PETITIONERS

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Anu Pal, Advocate for the petitioner(s).

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

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of Anticipatory Bail to the petitioner in FIR No. 226 dated 12.10.2024 (P-1), registered under Sections 110, 115, 117(2), 3(5), 351(2) of the Bhartiya Nyaya Sanhita, 2023 at Police Station Rai, Sonapat, in the interest of justice.

2. Prosecution story, set up in the present case as per the version in the FIR reads 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/o 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 6th 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 1 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 be taken against Sukhchain and Ashish.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has submitted that the petitioner has been attributed injury No.1 which was declared to be simple in nature as per MLR of the complainant namely Sahil and the injury No.4 which was declared to be grievous in nature has been attributed to the co-accused Ashish who has already been granted the concession of anticipatory bail by this Court vide order dated 10.12.2024 passed in CRM-M-60301-2024 (Annexure P-6). He further submits that nothing is to be recovered from the petitioner and he is ready to join the investigation as and when called for, therefore

custodial interrogation of the petitioner is not required.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer has admitted the facts mentioned by counsel for the petitioner, however, opposes the prayer for the grant of concession of anticipatory bail stating that the petitioner along with the co-accused, attacked the complainant with bitta and sword and caused injuries to him meaning thereby that they are extremely violent individuals, therefore, the instant petition deserves to be dismissed.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties that the injury No.1 attributed to the petitioner was declared to be simple in nature whereas Ashish who has been attributed the greivous injury has already been granted the concession of anticipatory bail, 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

13.01.2025

anuradha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No