



CRM-M-2707-2025

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-2707-2025

Date of decision: 15th February, 2025

Sunil Khobra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 661 dated 25.12.2024 registered under Sections 111(2)(b), 111(1), 126(2), 190, 191(2) and 324(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station City Tohana, District Faridabad.

2. As per the allegations, on 15.12.2024, a police party headed by ASI Amarnath Singh was patrolling in the area of Kainchi Chowk, Tohana, when a black colour Scorpio car bearing registration No. RJ-14-UK-9744 was found going at a high speed towards Moonak. Feeling suspicious, the police party started following that vehicle. After crossing some distance, 4-5 youths were found alighting from a swift car and hitting the scorpio vehicle. One of them was having a *gandasa* whereas others were carrying stones and



were damaging the Scorpio vehicle. On seeing the police party, they managed to flee along with their vehicle. The scorpio vehicle was found to be badly damaged. The aforementioned FIR was registered. Investigation proceedings were initiated. Subsequently, it was revealed that the Scorpio vehicle was driven by one Ravinder @ Rinku and was owned by Ranjeet Singh son of Gurdeep Singh. A CCTV footage of the vicinity had also been procured which showed the petitioner as one of the persons, who was involved in the occurrence. He was nominated as an accused. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Fatehabad, which was dismissed vide order dated 04.01.2025.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. The only role attributed to him is that he along with the co-accused was seen running behind the driver of the scorpio car. The ingredients for commission of offences punishable under Sections 111(1) and 111(2) (b) of BNS have not at all been attracted. The remaining offences are bailable in nature. His custodial interrogation is not required. No purpose would be served by his detention. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Haryana has argued that the custodial interrogation of the petitioner is required, as he along with the other co-accused is indulged in illegal activities by forming a crime syndicate. The co-accused Vishal, Akshay Kumar and Bittu have been arrested and have



taken the name of the present petitioner. His custodial interrogation is required for conducting thorough investigation in the matter by the police. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly and is also alleged to be a part of organized crime syndicate. As per the allegations, in prosecution of common object of that unlawful assembly, he had followed a Scorpio vehicle and had damaged the same. The allegations in the FIR even if taken on the face value do not make out a *prima facie* case for commission of offences punishable under Sections 111(1) and 111(2)(b) of BNS. The custodial interrogation of the petitioner is not required. Neither any recovery is to be effected from him. Keeping in view the above discussed facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the learned trial Court within a period of ten days from the date of passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.

(ii) he 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/her from disclosing such facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.
8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

15th February, 2025
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No