

2025:PHHC:032692



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(280)

CRM-M-3724-2024

Decided on : 06.03.2025

Karan @ Chota Kanha

.....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM : HON'BLE MRS.JUSTICE MANISHA BATRA

Present: Mr.Baljeet Beniwal, Advocate, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No. 406, dated 20.08.2024, under Sections 115, 117(2), 190, 191(3), 304, 351(2) of Bhartiya Nyaya Sanhita, 2023, registered at Police Station City Palwal, District Palwal.

2. Vide order dated 23.01.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 23.01.2025, passed by this Court, reads as under:

“Prayer in this petition has been made by the petitioner seeking pre arrest bail in case arising out of FIR No.406 dated 20.08.2024 registered under Sections 115, 117(2), 190, 191(3), 304 and 351(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS) at Police Station City Palwal, District Palwal on the basis of statement got recorded by the complainant-Somdutt alleging therein that on 08.08.2024 at about 10 pm, he was present in his hotel namely, HR 30 hotel which he was running in the vicinity of village Alapur, Palwa, when the petitioner along with co-accused reached there. They were under influence of alcohol. All of them had started having liquor in hotel premises also despite the fact that they were specifically refused to do so. Thereafter, accused

Manha demanded a sum of Rs.1500/- from him which complainant was compelled to give. Sometime thereafter, they had demanded more money and when he refused to do so, he was assaulted by them. They had taken a sum of Rs.2500/2600 which was kept in his cashbox. His mobile phone was also damaged. The petitioner and other accused had assaulted him and caused injuries to him. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Palwal vide order dated 13.01.2025.

It has been argued by learned counsel for the petitioner that he has been falsely implicated in the present case. He was not named in the FIR. No specific injury or role has been attributed to him. He is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, on instructions has submitted that the petitioner by forming an unlawful assembly had assaulted the victim. Mobile phone belonged to the victim had been snatched by the petitioner and was kept in his pocket and this fact is revealed from the CCTV camera installed at the place of occurrence. The recovery of mobile phone of the complainant is to be effected from him. Even otherwise, there are serious allegations against him and therefore, it is urged that he does not deserve to be given concession of pre arrest bail.

Adjourned to 06.03.2025.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall

release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

It would, however, be open to the learned State counsel to file a reply indicating the involvement of the petitioner and all aspects would be considered at the time of final adjudication of the matter.”

3. Learned State counsel, on instructions from HC-Rohtash, has submitted that that the petitioner has joined investigation and he is not required for custodial interrogation. He has also filed status report, which is taken on record.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 23.01.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogous to Section 438(2) of the Code of Criminal Procedure).

06.03.2025

Sailesh

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No