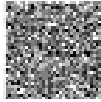


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103

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4153-2025
DECIDED ON: 27.01.2025

SONU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Nisha Rana, Advocate and
Mr. Mukul Chandila, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.360, dated 06.12.2024, under Sections 109(1), 115, 190, 191(3), 351(3) of BNS 2023 and Section 25 of Arms Act, 1959 registered at Police Station Faridabad Old, Haryana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“That I, am Vakil Qureshi, resident of House No. 234, Ward No. 8, Sarai Khairati, Old Faridabad. I am 25 years old. I have a meat shop in the Meat Market. Today on 06.12.2024 at 11.57 AM I received a call on my MOB NO 9871219686 from 7011346424, who started threatening me to kill me and started abusing me. And said that today I am coming to your shop to kill you. In this regard, I had given an application (in Police Station OLD FBD) against (1) Attu S/O Satish (2) Pradeep alias Tiger. After that today on

06.12.2024 at around 2.00 PM, was at my shop. (1) Pradeep alias Tiger resident of Bhudhena came with a pistol in his hand with him (2) Salman Qureshi S/O Mubeen Qureshi currently resident of Sai 86 came with a pistol in his hand (3) Jafar S/O Kammu (4) Bhubin S/O Kammu and (5) Attu S/O Satish resident Old Bazar Faridabad and (6) Sonu alias Tiger resident of Bhudhena and with them 20-30 other people came to Bagreha with weapons in their hands. And these people attacked us. In which (1) Pradeep alias Tiger and Salman S/O Mubeen Qureshi both had pistols in their hands and they fired at my father Vakil Qureshi with the intention to killing him. The bullet hit his leg and Jafar, Mubeen and Attu, Sonu these people fired at my uncles. In which my uncle narrowly escaped. And the other people there attacked my house with weapons. My grandmother was seriously injured in the attack by the attackers. Seeing the attackers, a huge crowd gathered there and seeing the crowd, the attackers fled from the scene brandishing weapons, we hurriedly took our father to the hospital. It is my humble request to you that strictest legal action be taken against the said culprits. And we are in danger to our life and property from these people, hence you are requested to provide us security. Your kindness will be appreciated. Thank you Applicant Anwar S/O Wakeel Qureshi MOB-9871219686. DATE 06.12.2024 TIME-6.46 PM. Action Police Today on 6.12.2024, I am ASI present at Police Station, Faridabad, that information was received from Police Control Room, Faridabad that a bullet has been fired during a fight in Meat Market Old Faridabad, on which information, I ASI along with HC Surendra 722, CI Sachin 6200, SPO Rajneesh 782 reached the spot of incident, Meat Market Old Faridabad, where a large crowd had gathered. The persons present at the spot were questioned about the fight, who told that some persons had come here, who fought and shot and ran away. Regarding this incident, I ASI informed SHO Sahib about the incident and SHO Sahib along with staff along with government vehicle HR51 GB3029 Bolero driver CT Kapil have arrived at the spot of incident, Meat Market Old Faridabad and the spot of incident was inspected by SHO Sahib and the crime team was seen by ASI was also informed about his arrival at the spot, Meat Market, Old Faridabad, and the spot was secured by HC Surendra No 722, Faridabad. In connection with the incident, two ruqa were received from Doctor Sarvodaya Hospital, SEC 19, which Asl, on this information, Reaching Sarvodaya Hospital, SEC 19, Faridabad, MR NOM-106003332400568 dated 6.12.2024, 3187/VP/2024 dated 6.12.2024 of Vakil Qureshi was received, Doctor sahab has written about one injury ON LEFT THIGH ABOUT 1X1 CIRCULAR WOUND NOTED INUPPER PART AT LATERAL ASPECT, and the MR NOM- 106003332400569 Date 6.12.2024,

3185/2024/AC Date 6.12.2024. With regard to Nafeesa, doctor sahab has filed a report of an injury which is No. 1 ABRASION WITH SWELLING OVER UPPER CHEST PRESENT, and 2 application given to doctor by taking opinion of victim Vakil Qureshi and Nafeesa in which doctor wrote UNFIT FOR STATEMENT to both the victims and son of victim vakil Qureshi who told that being an eyewitness of the spot of incident, From contents of the complaint and l MRS, prima-tacie oftence punishable under section 191(3), 190, 115(2), 109, 351(3) BNS 25-54-59 ARMS.ACT was made out.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that as per the FIR, the allegations qua the petitioner is only that he was a part of unlawful assembly and was carrying a stick (danda) and there is no other role coming forth against him. He asserts that the petitioner is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State. He could not controvert the submissions made by learned counsel for the petitioner and submits that firing incident took place in the meat market of Old Faridabad. As far as the role of the petitioner is concerned, he is not in a position to contradict any of the factual aspects.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that admittedly no specific role has been attributed to the petitioner and he is not involved in any

other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a

period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

27.01.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>