



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

211

CRM-M-5215-2025

Date of decision: 7th February, 2025

Aman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arnav Ghai, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. D.S. Matya, Advocate for the complainant.

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. 03 dated 02.01.2025 registered under Sections 191(2), 191(3), 190, 110, 115(2), 126, 351(2), 324(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (offence under Section 117(2) added later on) at Police Station City Sohana, District Gurugram.

2. As per the prosecution case, on 31.12.2024, on receipt of an information about admission of two persons namely Shabir and Irfan in Civil Hospital, Sohna due to injuries sustained in some altercation, a police party reached there. The victims had been referred to Government Hospital, Gurugram. On 01.01.2025, information was received that the victims had



been admitted in a private hospital. Opinion of treating doctor regarding condition of the injured had been obtained and they were opined to be unfit. The statement of complainant Shabir was recorded 02.01.2025, who alleged that on 31.12.2024, he was going towards his village along with his cousins on a motor bike and when he reached near village Lakhawas, a WagonR car came from behind and hit his motor bike due to which, his companions and himself had fallen on the road. Then the accused Shahrukh and Nasir alighted from that car. Shortly thereafter, a scorpio vehicle being driven by the co-accused Mushtak and occupied by the petitioner and co-accused Rizwana reached there. All of them opened an assault upon him and extended injuries to him with sticks, rods and iron pipes. His cousins were also assaulted. The accused Shahrukh fired a shot with country made pistol upon him but the complainant had a narrow escape. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which was dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 17.01.2025.

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. There is delay of two days in reporting the matter to the police which has not been satisfactorily explained. No specific overt act has been attributed to him. There was no motive for the petitioner to assault the victims. Even, as per the prosecution version, he was simply an occupant of the Scorpio vehicle. Neither any extortion had been made by him nor he had inflicted any injuries to either of the victims. His custodial interrogation is



not required. He is ready to join the investigation. No recovery is to be effected from him. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Mr. D.S. Matya, Advocate has put in appearance on behalf of the complainant and has filed his *Vakalatnama*.

5. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has submitted that the allegations against the petitioner are serious in nature as by forming membership of unlawful assembly with the co-accused, he had opened an assault upon the complainant and his companions and had caused serious injuries to them. The complainant had sustained seven grievous injuries in the form of multiple fractures and simple injuries as well. His companions had also sustained injuries. Infact, a case bearing FIR No. 176 dated 13.11.2024 had already been registered against the petitioner, co-accused and some other persons at Police Station Sohna and the petitioner and co-accused had been exerting pressure upon the complainant to withdraw that complaint by overawing and criminally intimidating him. Custodial interrogation of the petitioner is required for proper investigation of the matter by the police. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

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

7. The petitioner by forming membership of an unlawful assembly



and in pursuance of common object thereof, is alleged to have opened an assault upon the complainant and his companions and caused injuries to them. Copy of inpatient discharge summary of the complainant has been placed on record, which shows that he had sustained multiple fractures apart from other injuries. The petitioner has criminal antecedents as just about one and half months prior to the occurrence of this case, an FIR had been lodged against him and the co-accused on the complaint of the complainant of this case. It has been specifically alleged that all the assailants including the petitioner had assaulted the victims. Therefore, it cannot be stated that the petitioner did not participate in the occurrence. The delay in lodging of the FIR appears to be on account of the fact that the complainant was not fit to record statement. The custodial interrogation of the petitioner is required for eliciting the truth about the manner of committing subject offences as well as for conducting thorough investigation in the matter. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. Moreso, no exceptional or extra ordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. The case is at its nascent stage. For conducting thorough investigation in the matter, custodial interrogation of the petitioner is required. Keeping in view the facts as enumerated above, I am of the considered opinion that he does not deserve to be extended benefit of pre-arrest bail. Accordingly, the petition stands dismissed.



7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th February, 2025
Parveen Sharma
1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No