



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

102-2

CRM-M-5543-2025

Date of decision: 14th February, 2025

Sandeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. Apoorv Garg, Senior Deputy Advocate General, 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. 919 dated 29.12.2024 registered under Sections 115, 121(1), 126, 127(2), 132, 190, 191(2), 221 and 262 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station HTM Hisar, District Hisar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of statement got recorded by SI Vinod Kumar posted at police post No.12, quarter Hisar, on the allegations that on 29.12.2024, some police officials from GRP West Bengal had come to his police post and informed him that the present petitioner was wanted in a case bearing FIR No. 40 of 2024



registered under Section 305(c) of BNS at some police station at West Bengal and was to be arrested. After lodging a report, the complainant along with some other police officials of his police post reached at the house of the petitioner. On seeing the police, the petitioner started fleeing. He was tried to be apprehended but raised clamour and called his family members and relatives, who opened an attack upon the members of the police party and facilitated escape of the present petitioner while causing obstruction in performance of official duties of police officials. Accused Akshay struck a blow with a stick on the right hand of the complainant thereby causing a grievous injury to him. 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, before the learned Additional Sessions Judge, Hisar which had been dismissed vide order dated 15.01.2025.

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 by the police since he lodged an FIR under the provisions of Prevention of Corruption Act, against a police official and the police officials were offended with him. He is ready to join the investigation. His custodial interrogation is not required. Neither any recovery is to be effected from him. Therefore, it is urged that he deserves to be given benefit of pre-arrest bail.

4. Status report has been filed by respondent-State. It is argued by learned Senior Deputy Advocate General, Haryana that there are serious



allegations against the petitioner, who by forming membership of an unlawful assembly with the co-accused had opened an attack upon the police officials thereby causing obstruction in performance of their duty and had managed his escape. His custodial interrogation is must for conducting thorough investigation in the matter. 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 by forming an unlawful assembly with the co-accused is alleged to have opened an assault upon the complainant and other police officials who had allegedly gone to apprehend him and is thereby alleged to have caused obstruction in performance of duty of the police officials and assaulted them. One of the police officials is stated to have sustained grievous injury in the scuffle. However, that injury has not been attributed to the petitioner subsequently. Keeping in view the nature of the allegations against the petitioner, I am of the considered opinion that his custodial interrogation is not required. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to be bail. The petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week and subsequent also as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS join investigation.



7. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th February, 2025
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |