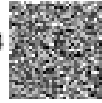


2025:PHHC:015074



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6187-2025
DECIDED ON: 03.02.2025

ROOPAM

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S. Sahu, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG Haryana

Ms. Shivani Sahni, Advocate for
respondents No.2 to 5.

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.504, dated 01.11.2024, under Sections 115(2), 109(1), 333 read with Section 3(5) of BNS, 2023 (Section 249(b) of BNS added later on) and Section 25 of Arms Act, 1959, registered at Police Station City Fatehabad, Tehsil and District Fatehabad.

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

“Statement of Uday Kumar S/o Dinkar Kamat R/o Sihaul, District Saharsa, Bihar, now residing on rent at Aggarwal Colony, Fatehabad, Aged 18 years, mobile no. 9350958134 stated that I am resident of above said address and do labour work. We are two brothers and three sisters, name of eldest sister is

Chanda Devi who married in Bihar, younger to her is Anjali Kumari and younger to them me, name of my youngest sister is Kajol Kumari and name of the youngest brother is Krishan Kumar. We both brothers and both sisters are bachelors. On 31.10.2024, at about 8 PM, my father Dinkar Kamat went on confectionary shop situated at corner of Rangoli Bhattu Road to purchase the grocery items where on the shop woman Roopam and her husband Piyush Chauhan R/o Anjali Colony, Fatehabad were present there. Woman Roopam asked my father to pick up the grocery items from the shop and then, give her. My father said "I am not the shopkeeper", if you have to purchase the items, then demand the same from the shopkeeper. On this thing, she became angry, woman Roopam and her husband Piyush Chauhan both gave slap blow to my father. Then, my father return back to the house and narrated the entire story to us. Whereupon I and my father Dinkar and mother Motimala Devi went to the house of woman Roopam at Anjali Colony and asked the reason of slapping my father. Then, Roopam and her husband Piyush Chauhan said that "Maar Dia toh Maar Dia". On this thing, heated arguments exchanged between us and thereafter, we came back in their house at Aggarwal Colony. After 30 minutes woman Roopam and her husband Piyush Chauhan and two other boys came in the vehicle bearing registration no. UP-15BJ-1872, Colour Black along with them. The daughter of my uncle Priya Kumari D/o Dilkush Kamat R/o Bhivnagar was with them who told them address of their house. She was kept on sitting in the vehicle. Woman Roopam and her husband Piyush Chauhan and two other boys came in their house opening lock of the gate and while coming inside started misbehaving with all of us. During which, one of the boy with intention to kill us fired upon me and I being in the side, said bullet hit on the left hand of my elder sister Chanda Devi and second bullet hit on the right ear of my father. Then, I rescued them and ran away from the spot. They followed the vehicle with me and at that time, the vehicle was being driven by woman Roopam. During which, they also fired twice from backside. Due to fear, I went in the house of my maternal uncle's namely Domi Kamat S/o Jagannath Kamat and got hidden me there. Thereafter, my father Dinkar, Mother Motimala Devi and sister Chanda Devi got admitted at Govt. Hospital, Fatehabad due to injuries for treatment. Woman Roopam and her husband Piyush Chauhan R/o Anjali colony, Fatehabad and two boys who came with them attacked upon me with intention to kill and caused illegal fire armed injuries to my father, mother and sister. Legal action be taken against all. I have recorded my statement in presence of my maternal uncle Domi Kamat, read over, explain which is correct. SD/- LTI Domi Kamat, SD/-Uday, attested Harpao Singh, ASI P.P. Bus Stand FTB. Dated 01.11.2024. Police proceedings. Today, I ASI along with EHC Subhash 367 with govt. vehicle HR22M-2563 along with driver HKRN Karanpal were present in the chowki. Then, MC Chowki gave

information to ASI that injured Dinkar S/o Joginder, Motimala Devi W/o Dinkar (wrongly mentioned Joginder), Chanda Devi W/o Vivek R/o Aggarwal Colony, Fatehabad admitted due to injuries received in the fighting at GHS, Fatehabad. To take action reached on stop. Whereupon, I ASI along with colleague with govt. vehicle reached G.H. Fatehabad and received copy of Ruqa and MLR of injured Dinkar, Motimala Devi and Chando Devi moved an application to the Doctor to record their statements. The Doctor opined fit all of them to record their statement. Then, he went near to the bed of the injured where son of Dinkar Uday Kumar S/o Dinkar was present who recorded his above said statement word by word. Finding his statement to be correct. Put his signature in English. The maternal uncle of Uday Kumar namely Domi Kamat also find the statement of his nephew to be correct and put his thumb impression which I ASI attested. MR No. JKM/338/2024 dated 01.11.2024 of injured Dinkar in which Doctor opined four injuries, injury no. 1 to 3 adv. Surgeon ENT, Ortho opinion, injury no.4 simple KUO blunt, MLR No. JKM339/2024 Fatehabad dated 01.11.2024 of Motimala Devi wherein the Doctor opined five injuries, injury no. 3, 4, 5 adv. Ortho Surgeon, Ortho opinion KUO and injuries no. 1 and 2 declares simple, MLR No. JKM/240/2024 FTB dated 01.11.2024 of Chando Devi wherein Doctor declared three injuries, injury no. 1 and 3 adv. Ortho opinion and injury no.2 adv. Ortho opinion. From the statement and MLR offence under Section 115 (2), 109 (1), 333, 3 (5) BNS and 25/54/55 Arms Act found to be made out and a tehrir is being sent to registered the FIR to the police Station through EHC Subhash and no. of the case be informed. The SHO of the police Station City Fatehabad updated about the facts of the case and also informed to reach on the sport scene of crime team. Special report of the case be sent to the Higher Officer through special messenger. I ASI is present on the spot. Today, G.H Fatehabad, SD/- Harlal ASI PP Bus Stand, Fatehabad Dated: - 01.11.2024, at 10.30 AM. Today, in the police station on receiving the Tehrir, a case was registered and computerized copy of the FIR prepared and a special report of the case is being sent to the Higher Officer and Illaka Magistrate through woman Constable Renu 667. Copy of the police file along with original tehrir is being sent through EHC to the Investigating Officer who is busy on the spot. The SHO has been informed about the case and telephonically informed to reach scene of crime team on the spot.”

3. Contention

On behalf of the petitioner

At the outset, learned counsel for the petitioner submits that the matter has been compromised between the parties on the basis of compromise deed dated 30.12.2024 (Annexure P-2), with the intervention of the respectable of

the society, the complainant/respondents No.2 to 5 do not want to pursue with the matter any further.

On behalf of the State/complainant

Learned counsel appearing on behalf of the respondents No.2 to 5 admits the factum of compromise dated 30.12.2024 (Annexure P-2) and also endorsed no objection, in case the present petition is allowed and petitioner is admitted on bail.

Learned State counsel filed the custody certificate of the petitioner, which is taken on record. He submits that in the light of compromise entered between the parties, custodial interrogation of the petitioner is not required.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the matter has already been settled between the parties, 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.

(SANDEEP MOUDGIL)
JUDGE

03.02.2025

Meenu

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