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

**CRM-M-6555-2025
DECIDED ON: 04.02.2025**

MOHIT**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sumit Singh Bairagi , Advocate
for the petitioner.

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

The jurisdiction of this Court has been invoked under section 482 of BNSS 2023 read with section 528 BNSS 2023 for grant of pre-arrest/ anticipatory bail to the petitioner in the F.I.R No. 551 dated 17.10.2024 under section 121(1), 126, 132, 190, 191, 191(3), 221, 351(3) of, BNS 2023 registered at Police Station Sadar Thanesar, District Kurukshetra.

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

“Copy is attached To, SHO Police Station Sadar Thanesar sirs, It is requested that I am Rajpal Singh son of Shri Jai Singh resident of Bhagwan Nagar Colony Pipli near Police Line Kurukshetra and am posted as Sub Inspector in Haryana Police. I am posted in Anti Narcotics Cell Pipli. I do duty in informal clothes for prevention of narcotics. I had received information about narcotics from a special informer. On 16.10.2024 at around 3.15 PM, I was going to village Kishanpura in my private car via village Kishanpura mode in informal clothes on the basis of information. When I reached in front of the service station of Rishipal son of Gulab Chand resident Chhoti Ratgal Sector 7 Kurukshetra on Kishanpura Road,

suddenly 5/6 young boys with sticks in their hands, whose age was about 20/22 years, blocked my way in front of my car. They opened the window and started beating me with sticks and kicks and started abusing me. I got seriously injured in this incident. Many people had gathered at the spot. I was rescued by Rishipal, owner of the service station, and some passersby who, on seeing the public, ran away from the spot and while leaving threatened to kill me. Today I was saved, but I will not be saved again. Among these boys, I came to know that there are two boys named one Harsh son of Gulab, caste Brahmin and the other Ali Mohammad son of Gulzar Singh, Teli Muslim, residents of village Sirsala, district Kurukshetra. I can recognize the rest of the boys if they come in front of me ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement. He further submits that initially the petitioner was not named in the FIR and two other accused have been named in the FIR, who have been granted the concession of interim bail vide orders dated 07.11.2024 and 10.12.2024 passed in CRM-M-55318-2024 and CRM-M-61923-2024 respectively.

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 prays for dismissal of the present petition stating that the allegations against the petitioner are serious and grave in nature, therefore, his custodial interrogation is required. He could not put forth any material to show that the petitioner was present at the spot.

4. Analysis

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the presence of the petitioner at the place of occurrence is disputed and even otherwise no efforts were made by the prosecution to collect such like evidence including the tower location of mobile number used by the petitioner added with the fact that the petitioner 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.

(SANDEEP MOUDGIL)
JUDGE

04.02.2025

Meenu

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