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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.6777 of 2025
Date of decision: 17.02.2025

Sumit ... Petitioner

Vs.
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sant Lal Barwala, Advocate,
for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
836	21.11.2024	Barwala, District Hisar	287, 351 (3) and 3 (5) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 (1B) (a) of Arms Act, 1959

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR had been registered on the basis of complaint lodged by the complainant Saurabh Nain who was running a hotel at Barwala alleging therein that on 20.11.2024, he received a call on

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his mobile phone and the caller Karandeep @ Shipad @ Dholu against whom he had previously lodged an FIR No.925 of 2023 started extending threats to kill him if his name was not withdrawn from the FIR. Sometime thereafter, the accused Karandeep @ Dholu and Sunil @ Gujjar reached outside his hotel while riding on a bike. They were doing recce of his hotel. The complainant also heard sound of firing a shot outside his hotel. He rushed outside and saw two youths riding on a bike. On checking the CCTV footage of the camera installed in the hotel, it was found that the co-accused Saurabh @ Dholu and Kalu were the riders of the bike. Sometime thereafter, the accused Karandeep and Sunil made calls to him extending threats. After registration of FIR, investigation proceedings were initiated. Accused Karandeep and Saurabh @ Dholu were arrested on 22.11.2024. They suffered disclosure statements on the basis of which the present petitioner was nominated as an accused. Investigation is still underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Hisar vide order dated 24.12.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused. He was not named in the FIR. No specific act has been attributed to him. His custodial interrogation is not required. Neither any

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recovery is to be effected from him. No purpose would be served by arresting him and detaining him in custody. He is ready to join the investigation. Accordingly, it is urged that he deserves to be extended benefit of pre arrest bail.

4. Status report has been filed by the respondent-State. It is argued by learned Senior Deputy Advocate General, Haryana that there are serious allegations against the petitioner who along with the co-accused Saurabh @ Dholu had gone towards the hotel of the complainant on a motorbike where co-accused Saurabh @ Dholu had fired a shot in the air in front of the hotel so as to criminally intimidate the complainant and to cause terror. The custodial interrogation of the petitioner is required for conducting thorough investigation in the matter and for effecting recovery of the motorbike which was used by the petitioner. Accordingly, 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.

6. The petitioner in furtherance of his common intention with the co-accused is alleged to have gone with the accused Saurabh @ Dholu in the front of the hotel of the complainant to criminally intimidate him and then the co-accused is alleged to have fired a shot with pistol to scare the complainant. The co-accused Saurabh @ Dholu stands arrested and has been extended benefit of bail. No recovery of any incriminating article is

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to be effected from the petitioner. Given the nature of the allegations, no pre trial incarceration is required. The custodial interrogation of the petitioner is not required. In view of the above discussed but without meaning to make any comment on the merits of the case, I am of the opinion that the petitioner deserves to be extended benefit of pre arrest bail. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail in the event of his arrest, on the following conditions:-

- (i) He shall furnish requisite personal/surety bonds to the satisfaction of the Arresting officer/investigating officer by appearing before him within a period of ten days;
- (ii) He shall appear before the Investigating Officer as and when called subsequently and submit all documents and details as may be called upon by him.
- (iii) He shall not tamper with the evidence or cause any threat or to any of the prosecution witnesses in any manner.
- (iv) In the event of violation of any of the abovesaid terms, his bail shall stand automatically cancelled.
- (v) He shall not leave the country without prior permission of the trial Court.
- (vi) He shall regularly appear before the Court on every

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date of hearing and also and when called upon to do
so during the course of trial.

7. It is further clarified that the observations made above are only
for the purpose of consideration of application for anticipatory 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.

17.02.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No