



202 (1)

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

CRM-M-7113-2025 (O&M)

Date of decision: 29.05.2025

Dinesh @ Dinesh Tewatia and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Baljeet Beniwal, Advocate for the petitioners.

Mr. Neeraj Sheoran, DAG, Haryana.

Ms. Shweta Bawa, Advocate for

Mr. Balraj Gujjar, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of pre-arrest bail to the petitioner in FIR No. 0012 dated 06.01.2025 (P-1), under Sections 109(1), 115, 191(3), 351(3) read with Section 190 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of the Arms Act, 1959, registered at Police Station City Palwal, District Palwal.

(2) Allegations are that petitioners were engaged in illegal construction on the land which is under dispute and fired gunshots upon the complainant party when they resisted the same.

(3) Contends that petitioners were granted interim protection by this Court, vide order dated 06.02.2025 and in pursuance thereof, they have



already joined the investigation; hence, their custodial interrogation is not required.

(4) The above factual position is not disputed by learned State Counsel, on instructions from SI-Virender Singh and submits that as on today, custodial interrogation of the petitioners is not required.

(5) Learned Counsel for the complainant has opposed the prayer of petitioner on the premise that petitioner fired gunshot upon the complainant party and allegations are serious in nature.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It transpires that petitioner was granted interim protection by this Court, vide order dated 06.02.2025 and the order reads as under:-

“ Contends, inter alia, that co-accused Shiv Kumar, with similar allegations, has already been granted interim protection by this Court in CRM-M-2860-2025.

Notice of motion.

Mr. Kiran Pal Singh, learned AAG, Haryana accepts notice on behalf of the respondent-State and seeks time to have instructions and/or to file written response in the matter.

Posted for 25.02.2025.

In the meanwhile, petitioners shall join investigation before the Investigating Officer; but they be not arrested till the next date of hearing.

To be heard along with CRM-M-2860-2025.”

(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioners have joined investigation and their custodial interrogation is not required.



(9) Although, learned Counsel for the complainant opposed the prayer on the premise that gunshots were fired by the petitioners, but the same is not acceptable for the reasons that there is no injury to anyone; cross version has been registered at the instance of petitioner side and State is not asking for custodial interrogation “at this stage”.

(10) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioners.

(11) Consequently, present petition is allowed; interim order dated 06.02.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(12) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

(13) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(14) It is also clarified that in case of any recurrence on the part of petitioners, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

29.05.2025

Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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