



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9048-2025
DECIDED ON: 17.02.2025

NEHA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gourav Verma, 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, seeking grant of Anticipatory Bail to the Petitioner in FIR No. 296 dated 17.10.2024 (Annexure P-1), for offences registered under Sections 191(3), 190, 109(1), 351(3), 121(1), 121(2), 221, 132, 118(1) of BNS & 25 of Arms Act, at Police Station: Civil Line, District Sonipat, Haryana.

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

“Statement of ASI Shivmuni No. 628/ SPT son of Shri Satnarayan R/O Village Titoli District Rohtak, presently Quarter Police Line Sonipat, age 40 years, Mobile No. 9896489200 stated that I am posted as ASI at Chowki Purana Shehar Sonipat. Yesterday dated 16/17-10-2024 I was on SDO duty. At about 12:00 in the night we got information that two parties were fighting at Kot Mohalla. Upon receiving this

information I, ASI along with HGH Deepto, Govt. no. 28 at government motorcycle no. HR 10GV 1038, quickly reached Kot Mohalla where Rajan alias Golu son of Subhash, Amit alias Meeta son of Jagbir, Nitin alias Topar, Sanju son of Subhash, Golu's sister Neha, Nitin alias Topar's wife Sheelat, Bhundan's son were carrying sticks and axes in their hands and were fighting with their neighbor Badal son of Jagbir and his companions. When I, ASI tried to make them understand, Nitin alias Topper challenged, and said that this is the same Shivmuni ASI who had arrested us and we had to stay in jail for many days. Saying this, Nitin alias Topper, Rajan alias Golu, Amit alias Mita, Neha, Sheetal, Sanju and Mundan's son They ran towards us with sticks and axes in their hands and Nitin alias Topar hit me on the head with the intention of killing me. I raised my right hand to save my head and the axe hit my hand which started bleeding. Seeing the people around coming, they threatened to kill me and fled from the spot. Then brought me to GH Sonipat for treatment. The doctor referred me to PGI Rohtak due to the serious injuries but due to the serious injuries, my department admitted me to "Sir Ganga Ram Hospital Delhi" where the doctor operated on me. I am unable to sign due to the operation. Nitin alias Topar, Rajan alias Golu, Sanju, Neha, Sheetal, Amit alias Meeta and Mundan's son Yash conspired with each other and attacked me with the intention of killing me."

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the petitioner along with her co-accused persons were carrying sticks and axes in their hands and attacked the complainant ASI Shivmuni. He further contends that no specific role or injury has been attributed to the petitioner in the alleged commissioning of the offence.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State, who would though oppose the grant of anticipatory bail asserting that there are specific allegation of hitting with the stick on the person of the complainant-ASI Shivmuni but he failed to demonstrate any corroborating material in support of his contentions.

4. Analysis

Be that as it may, having regard to the nature of allegations and the fact that no specific role or injury has been attributed to the petitioner, this Court is of the considered view that the petitioner deserves the concession of anticipatory bail at this stage.

5. Decision

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her 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

17.02.2025

Poonam Negi

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