



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9452-2025
DECIDED ON: 18.02.2025

GAURAV @ BHURA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. D.S. Matya, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of Anticipatory bail to the Petitioner in case arising out of FIR No. 423 dated 20.09.2020 under Section 394 of IPC and Section 25 Arms Act registered at Police Station Palam Vihar, District Gurugram.

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

*“To The SHO, Police Station Palam Vihar, Gurugram.
Sir, it is requested that I am Rishabh Pawar son of Shri Seva Ram resident of A 556, Palam Vihar permanent resident of 53C LIG FLATS, Prasad Nagar, New Delhi.
Today in the evening at about 8.40 PM, I arrived at Ram Mandir Chowk in my car i20 No. DL-1CX-8495 white color and parked the car on the side and went nearby to get ice cream and after about two minutes, I came back*

to the car and as soon as I unlocked the car, a person started entering the car from the front door, when I refused him, he showed me a pistol and asked me to give the keys of the car. When I did not hand over the keys, and shouting, one of his companions came and forcibly snatched the keys from me and took away the car, my car is in my father's name. These documents were in the dashboard of my car: 1. Driving License 2. PAN CARD 3. SBI CREDIT CARD 4. KOTAK DEBIT CARD 5. RC 6. Insurance documents 7. Original Car Sale Documents 8. Pollution certificate 9. Second pair of keys. The two boys, who snatched the car, were speaking Haryanvi language. The last time, I saw them was going towards the road leading to Chauma village. You are requested to take legal action on my application. Rishabh Pawar. Dated 20.09.2020. Mobile No.7060758700.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner *inter alia* would contend that the petitioner has been falsely implicated in the present case at the behest of complainant despite having been a bona fide purchaser of the said vehicle for a consideration of Rs.2 lakh from one Jitender @ Jony son of Harbir, resident of village Bhagwanpur, District Meerut and Sanjeev Malik, resident of Defence colony, Dehradun, Uttarakhand who were running business of sale and purchase of second hand cars.

He further undertakes that in case the petitioner is granted the protection, he is ready and willing to join the investigation and duly cooperate therein to put forth his defence showing material documents to establish that he is a bona fide purchaser.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and opposes the grant of anticipatory bail to the petitioner on the ground that the custodial interrogation of the petitioner is required at this stage to unearth the manner in which the petitioner is involved in the alleged crime and to further identify other accused as well as to trace out the pistol used in the commissioning of the offence.

4. **Analysis**

Be that as it may, considering the undertaking given by learned counsel for the petitioner today in Court that the petitioner is ready and willing to join the investigation and cooperate with the investigating agency, this Court is of the considered view that the present petition deserves to be allowed.

5. **Decision**

In the light of above, 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.

18.02.2025

Poonam Negi

**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No