



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

101

CRM-M-10604-2025

*Date of decision: 03.03.2025***Balbir Singh and Anr****.....Petitioners****Versus****State of Haryana and Ors****.....Respondents****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Navmohit Singh, Advocate for the petitioners.

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

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.20 dated 14.01.2025 under Sections 190,191(2),191(3),324(4),329(4),351(3),62 of BNS and Section 25 of the Arms Act registered at P.S SGM Nagar, Sanjay Gandhi Memorial Nagar, District Faridabad.

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

“ To SHO, NIT 3, Faridabad, Sir, I request that I am a resident of House No. A-285, Sainik Colony, Faridabad and I and my brother Prince have a plot no. in NIT 3 BLOCK D. 162 and 163 total area 466 sq. yard according to the actual owner registry number is 2940 and 4066 dated 29.07.2024 and 14.08.2024 whose property ID No is IBIPU161 and 1BC6KYPA That we are in occupation of both our plots and have built a boundary wall and installed a gate. We two brothers were making shops in both our plots since a week ago, which are three shops, whose masonry with bricks had become about 9-10 feet high. On 11.01.2025, our labour was doing masonry work, at about 11 am, a vehicle with number HR-30AB-9451 came on both our plots, in which Balbir and his son Sandeep and three other persons were with them, whom I do not know. After



getting down from the vehicle, all of them went inside our plot and threatened our labour and chased them away, after that in their vehicle He left and then again around 4-5 o'clock he came back to the plot in the same car and went inside They entered and threatened our labour and came out. We were standing in front of the plot. Then Balbir took my name, Akint's name and Sahil Arora's name and said that if they come, he will kill them and shoot them. Then I called the police on 112 number and all of them fled in their car. Then I went to the police station and filed a complaint against Balbir and others. Then on 12.01.2025, around 10-11 am, a car Eco Omni came whose numbers were covered with mud. 5-6 people got down from it. Balbir and his son Sandeep and 3-4 other men were there who had sticks and iron rods in their hands and one of them had a small weapon, pistol etc. They all entered with the intention of occupying the plot and damaged the walls of our three shops which were built by breaking them down and threatened to kill us and shoot me and Sahil Arora. They ran away in the car. We are in danger of our life and property from Balbir and his family and they can take over the plot any time. There are CCTV cameras installed in the neighborhood, legal action should be taken against them. Sd ANKIT ARORA ANKIT ARORA S/O SH NARENDER SINGH A-285 SAINIK COLONY FARIDABAD 9255398815 Police action: Today SI along with Si. Saqir Hussain No. 4280, Si. Amit Kumar No. 4227 went on patrol near BLOCK D Plot No. I have reached before Police Station No. 162/163 where both Ankit Arora and above have submitted a written complaint, for the crime under sections 191(2) 191(3) 190,324(4) 329(4) 62, 351(3) BNS 25.54.59 Arms Act, for which a written complaint has been lodged against SI Shakir Hussain No. 4280, at Police Station A, please inform me with the registered case number form, I am at the spot for investigation. Today, Plot No. 162/163 BLOCK D NIT FBD SD RAJINDER SI PP TOWN NO 3 Faridabad Dated 13.01.2024 AT 11.10 PM Today Police Station Hasb Arrival Tahrir, on the above case no. 20 dated 14.01.2025 under sections 191(2) 191(3) 190 324(4) 329(4) 62, 351(3) BNS 25.54.59 ARMS ACT Police Station SGM Nagar District Faridabad has been registered and copies of the FIR will be prepared by computer as per rules and sent to the service of Area Magistrate Sahib or higher officers. Copy Mishal Police, original Tahrir is being sent to Arinda S. Shakir Hussain 4280, Deputy Investigation Officer. Note: Since SI Rajendra Singh did not have a CCTNS ID, the case was registered in SI Sompal's ID and ESI Dulichand's attendance. And due to slow CCTNS server, the case was registered with a delay. ”

**3. Contention****On behalf of the petitioner**

Learned counsel for the petitioner contends that the petitioner has falsely been roped in, as the petitioner was not present at the alleged place of occurrence on the day of the alleged occurrence. That apart, learned counsel asserted that the present matter is that of a civil nature and the same has since been compromised between the parties vide compromise deed dated 13.02.2025 (Annexure P.3).

Notice of motion.

On behalf of the State/complainant

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Najjar Singh, Advocate appears on behalf of respondent Nos.2 & 3, who do not controvert the aforesaid factum of compromise dated 13.02.2025.

4. Analysis

In the light of the aforesaid and considering the fact that the present matter pertains to a civil dispute and the same dispute already stands settled between the parties vide compromise deed dated 13.02.2025 (Annexure P.3) and nothing is to be recovered from the petitioner and also considering that the custodial interrogation of the petitioner is not required at this stage.

5. Relief

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. 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 and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

03.03.2025

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |