

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

106

CRM-M-11808-2025

Date of decision: 03.03.2025

Lakshay Vardhan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajay Vijarana, Advocate for the petitioner.

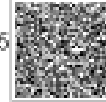
SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.13 dated 05.01.2025 under Sections 191(2), 191(3),115,333,351(3),110 of BNS, 2023 registered at P.S Azad Nagar, Hisar.

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

“ Statement of Omprakash son of Panna Lal resident of Kaimri district Hisar age 57 years Mobile No. 9896968310 Education 10th pass Stated that I am a resident of the above said address. And I am a retired employee of BSF. I have two sons Vijay and Suryaprakash. My son Surya Prakash runs a CHC centre in the village. Today evening around 5.30 PM, I along with my wife Kamala Devi, daughter-in-law Suman, were at home. When my son Surya Prakash entered the house, four boys followed him. One of them was Ravi Swami. As soon as they came, they caught my son Surya Prakash and started beating him. I tried to rescue my son and at the same time, a woman with three or four boys came with sticks and sharp iron weapons in their hands and attacked me. My brother's son Radheshyam came to tried to rescue us. They hit Radheshyam severely on the head. Radheshyam fell on the ground and started bleeding. Ravi took the stick in his hand and hit me on the face. I also fell down. All of them together have beaten us. After beating us, they threatened to kill us and fled away from the spot with the sticks. On getting the information, my



family members came to our house, arranged for a vehicle for treatment and took us to GH Hisar and after that we were taken for better treatment to Sapra hospital, Hisar. Radheshyam has been admitted to ICU due to severe head injury. Ravi Swami and the boys who came with him have caused injuries to us without any reason and enmity by Appropriate entering in our house. action should be taken against all of them. I have given you my statement in writing, it is okay, you have read it. ”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has falsely been embroiled in the present case as he was even not named in the FIR initially, and had no role attributed to him but subsequently only on the basis of the disclosure statement as made by the co-accused namely Ravi Kant, he has been arrayed as accused. The co-accused Kajal and Ravi Kant have already been granted the concession of anticipatory bail vide orders dated 30.01.2025 (Annexure P.3) and 06.02.2025 (Annexure P.2) respectively. That apart, provisions of Section 110 of BNS are not made out as there is no *mens rea* on the part of the petitioner as there was no previous enmity as stated by the complainant.

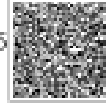
Notice of motion.

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 does not controvert the aforesaid facts and could not put forth any incriminating evidence to substantiate the provisions of Section 110 of BNS.

4. Analysis

Be that as it may, considering the fact that the petitioner was nominated as an accused only on the basis of disclosure statement of the co-accused Ravi Kant and was not initially named in the instant FIR and the fact that



the co-accused namely Ravi Kant has already been granted the concession of bail by the trial Court vide order dated 06.02.2025 (Annexure P-2); there are no specific allegations against the petitioner and also the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

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:-

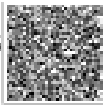
‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(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
manoj

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