

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

Date of decision: 03.04.2025

....Petitioner

Versus

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Gautam Dutt, Advocate and
Mr. Ribhav Singla, Mr. Karan Pathak, Advocates
for the petitioner.

Mr. Amrik Narwal, DAG Haryana.

Ms. Pallavi Babbar, Advocate for the complainant.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 BNSS, 2023, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
13	14.01.2025	125(A), 281, 304 BNS. Section 109(1) of BNS added later on and Section 125(A), 281, 304 BNS deleted later on)	Sector 17, District Faridabad

2. Learned counsel for the petitioner submits that in compliance to the order dated 20.03.2025, the petitioner has joined the investigation.



3. During the course of hearing on 20.03.2025, following order had been passed: -

“4. It is inter alia contended by learned senior counsel representing the petitioner that the petitioner is a student, 18 years of age, having no criminal antecedents has been falsely implicated in this case. He contends that initially FIR was registered for offences under Section 125(A), 281, 304 of BNS, on the statement of the complainant, however, during course of investigation offences under Section 125(A), 281, 304 of BNS were deleted and the offence under Section 109(1) of BNS was added. He contends that this deletion of the offences during investigation itself shows that the version put forth by the prosecution of snatching I-phone and gold chain itself been found to be false. He contends that there was no mens rea or motive on the part of the petitioner to have attacked the complainant in any manner so as to attract provisions of Section 125(A), 281, 304 of BNS and at the most the offence could have been under Section 281 of BNS for rash and negligent driving which itself is bailable. The car in question has already been taken in police possession and the petitioner is not required for effecting any recovery from him. The alleged injury suffered by the complainant is a result of road accident and it cannot be in any manner termed as attempt to his life, hence prays for grant of concession of anticipatory bail to the petitioner.

5. Per contra, learned State counsel assisted by learned counsel for the complainant referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner had hit the vehicle driven by him to the complainant with an intent to kill him, as such the petitioner is not entitled to concession of anticipatory bail. However, they have not disputed the fact that the offence for which the FIR was registered initially under Section 125(A), 281, 304 of BNS have since been deleted during investigation. On query, it is admittedly stated by them that the complainant has already been discharged from hospital and no injury was sustained on any vital part of the body in the said occurrence.

6. Considering the rival contentions and perusing the record, it transpires that originally the FIR was registered under Section 125(A), 281, 304 of BNS, however, during course of investigation on perusal of CCTV footage (Annexure R-4) the version of the complainant qua snatching of Iphone and gold chain was found to be false,



accordingly, the offences under Section 125(A), 281, 304 of BNS were deleted from the FIR. Admittedly, there was no motive or mens rea on the part of the petitioner to have attacked the complainant. As per reply filed by the State, car driven by the petitioner at the time of alleged occurrence has already been taken in possession. It is also specifically mentioned in the reply that from the CCTV footage the petitioner was found driving the car in rash and negligent manner, whereby it hit the complainant.

7. Therefore, in these circumstances, without commenting on the merits of the case at this stage, it is deemed appropriate that petitioner should join the investigation before deciding the present petition on merits. Consequently, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. He shall also abide by the conditions as envisaged under Section 482(2) BNSS.

8. Adjourned to 03.04.2025.”

4. Learned State counsel on instructions received from S.I. Naresh Kumar informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 20.03.2025 passed by this Court, interim bail granted vide order dated 20.03.2025 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the



evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 6. The petition stands allowed.
- 7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.04.2025
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |