

Date of decision: 04.04.2025

...PETITIONER

V/S

...RESPONDENTS

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2. Both these second petitions are preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.135 dated 20.05.2024 under Sections 323, 34, 341, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 325 & 307



of IPC (added later on), registered at Police Station Safidon, District Jind.

3. On 04.03.2025, following order was passed:

“Both these second petitions are preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) [erstwhile Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’)] seeking anticipatory bail in FIR No.135 dated 20.05.2024 under Sections 323, 34, 341, 506 of the Indian Penal Code, 1860 (for short ‘IPC’) and Sections 325 & 307 of IPC (added later on), registered at Police Station Safidon, District Jind.

The first petitions i.e. CRM-M-31437-2024 and CRM-M-35439- 2024, filed by the petitioners, were dismissed by the Coordinate Bench of this Court on 02.12.2024. Present second petitions have been filed on the ground that there is substantial change in the circumstances, as a compromise has been effected between the petitioners and the complainant on 18.01.2025.

Learned counsel for the petitioners, inter alia, contends that as per case set up by the prosecution, the alleged incident took place at the spur of the moment. There was no motive for the petitioners to have attacked the complainant.

Notice of motion.

Ms. Geeta Sharma, DAG, Haryana, who is present in the Court, accepts notice on behalf of respondent No.1-State and Mr. Virender Soni, Advocate appears on behalf of respondent No.2-complainant and files his Vakalatnamas, in both the cases, in the Court today, which are taken on record. Registry is directed to tag the same at the appropriate place of the case files.

Learned counsel for respondent No.2-complainant Baljeet Singh affirms the factum of compromise effected between the parties and submits that he has no objection, if the petitioners are granted the concession of anticipatory bail.

Adjourned to 04.04.2025.



*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners will cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).*

If the Arresting Officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.

Photocopy of this order be placed on the file of connected case."

4. Learned State counsel, on instructions from SI Ramesh, submits that in compliance of order dated 04.03.2025 passed by this Court, the petitioners have joined the investigation and are not required for further custodial interrogation.

5. Keeping in view the statement made by learned State Counsel, the order dated 04.03.2025, is made absolute. The petitioners shall abide by



the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)

6. Both the petitions are accordingly disposed of.
7. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.
8. A photocopy of this order be placed on the file of other connected case.

April 04, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No