



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13609-2025
DECIDED ON: 17.03.2025

DINESH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Sawhney, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 seeking grant of anticipatory bail to the petitioner in FIR No.13, dated 05.01.2025, under Sections 110, 115, 191(2), 191(3), 333 and 351(3) of BNS, 2023, registered at Police Station Azad Nagar, Hisar.

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

“Statement of Om Parkash 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 Surya Prakash. My son Surya Prakash runs a CHC centre in the village. Today evening around 5.30 PM, I alongwith my wife Kamala Devi, daughter-in-law Suman, were at home. When my son Surya Prakash entered the

house and four boys followed him. One of them was Ravi Swami. As soon as they came, they caught hold my son Surya Prakash and started beating him. When I tried to rescue my son and at the same time, one lady alongwith 3-4 boys came who were having sticks and pointed weapons in their hands and attacked on me. To save me my brother's son Radhey Shyam they inflicted deep injury on the head of Radhey Shyam and he fell down and the blood started oozing out and Ravi who was having danda in his hand gave blow on my face and I fell down and all of them gave injuries and after inflicting injuries they ran away and gave threats of life and ran away alongwith their weapons. I and my family on receiving information came to our house and for treatment took us after arranging the conveyance to GH hospital Hisar and afterwards for better treatment got us admitted in Sapra hospital and Radhey Shyam having deep injury on his head was admitted in ICU. Ravi Swami and other boys who came alongwith him came to our house and without any reason started fighting and gave injuries. Strict and appropriate action be taken against all.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has falsely been implicated 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. He further contends that the petitioner is at parity with co-accused namely Lakshay Vardhan, who has already been granted the concession of anticipatory bail vide order dated 03.03.2025

(Annexure P-5) passed in CRM-M-11808-2025. 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. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State, who does not controvert the aforesaid fact 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 co-accused Ravi Kant and was not initially named in the instant FIR and the fact that co-accused namely Lakshay Vardhan has already been granted the concession of anticipatory bail by this Court vide order dated 03.03.2025 passed in CRM-M-11808-2025; there is 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. 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.

(SANDEEP MOUDGIL)
JUDGE

17.03.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No