

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

142

CRM-M-15040-2025

DATE OF DECISION: 19.03.2025

AMANDEEP SINGH AND ANOTHER
...PETITIONERS

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. N.K. Jaglan, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)1. Prayer

This petition has been filed under Section 482 of BNSS 2023, praying for grant of concession of anticipatory bail to the petitioners in F.I.R No. 173 dated 11.10.2024 U/S 115 (2),118(1), 118(2), 190, 191(1),333,351(2) of BNS, P.S Police Station Ismailabad, District Kurukshetra, (Annexure P-1).

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘To SHO PS Ismailabad, Subject: Respected Sir, it is submitted that I, Prince kumar Son of Pawan Kumar, age 34 years mobile 8295168481, resident of Jaat Mohala Village Ismailabad District Kurukshetra and is engaged in buffalo selling business, that before elections Sukhvinder Singh @ Binda son of Ajmer Singh resident of Jaat Mohalla, village Ismailabad, was having grudge with me and my brother Rajeev Kumar @ Rimpny, that we had forgot about this but Sukvinder Singh @



Binda having anger in his heart. That on 10.10.2024 above said Sukhvinder Singh @ Binda at about 7.30 along with 6-7 persons came to our house but only ladies and children's were present in the house, Sukhvinder Singh left after arguing and threatening them, that at about 8 pm when we return home, our ladies told us Sukhvinder Singh came and left after arguing with them, that at about 10.45 pm when we were present with at our house along with ladies and children's then Sukhvinder Singh @ Binda resident of Ismailabad alongwith his two real nephews (Banje) in vehicle no. PB11QS8858 along with 18-20 young person's armed with wooden Sticks/bat, Kirpan, and Gandasi, attacked upon us and entered into our house and started beating ladies and children and Sukhvinder Singh @ Binda with having a sharp object in his hand caused injuries on various parts of my body and rest of the boys, name not known to me, gave stick/bat blow on my legs due to which I, suffered injuries on my head, arm and left leg, that during this quarrel accused persons snatched gold chain weighing around 1.25 Grams from my neck. That Sukhvinder Singh @ Binda r/o of Jaat Mohalla, Ismailabad and other 20-22 unknown boys have caused injuries to me in my house and while leaving had threatened to kill me by saying that today you are spared, next will kill you and your brother Rimpay, that legal action be taken against the accused persons and justice be provided to me.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioners has argued that the petitioners have been falsely implicated in the present case. He submits that both the petitioners were not named in the present FIR but were nominated only on the basis of the disclosure statement of the co-accused namely Amrinder Singh and Dalwinder Singh who were also arrested in pursuance of the disclosure statement as suffered by the

main accused Sukhvinder Singh @ Binda who got arrested on 14.10.2024.

He further submits that no recovery is to be effected from the petitioners, moreso, no incriminating material has been produced by the prosecution to connect the petitioners with the alleged incident. It is his contention that the injury caused are attributed to the other co-accused person namely Sukhvinder Singh @ Binda and not by the present petitioners. He informs the Court that co-accused namely Babbar Singh and Ravinder Singh have already been granted concession of anticipatory bail vide orders dated 27.02.2025 and 07.03.2025 passed in CRM-M-11905-2025 and CRM-M-13078-2025 (Annexure P-2), therefore, prays for grant of anticipatory bail to the petitioner.

Learned counsel for the petitioners undertakes that the petitioners are ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that to distinguish the particulars of other co-accused persons and recovery of *danda* custodial interrogation of the petitioners is required, therefore, prays for dismissal of the petition.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, particularly

to the effect that the petitioners were not named in the present FIR but were nominated on the basis of the disclosure statement of the co-accused, no recovery is to be effected from the petitioners, moreso, no incriminating material has been produced by the prosecution to connect the petitioners with the alleged incident and the co-accused have already been granted concession of anticipatory bail by this Court, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioners have bona fide intentions and are willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioners are hereby directed to be released on anticipatory bail subject to their joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

19.03.2025
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No