



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

CRM-M-19478-2025 (O&M)
Date of decision: 08.04.2025

Sunil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Ashish Bishnoi, DAG, Haryana.

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.327 dated 10.06.2024 under Sections 147,148,323 and 506 IPC (Sections 302,120-B IPC added later on) registered at P.S Bhiwani Sadar, District Bhiwani.

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

“ To, Chowki Incharge, Kharak Kala, Bhiwani, I request that 1. Gaurav s/o Ramkishan is resident of Village Kharak Kala, tonight at about 12:30 or 1:00 AM, I was putting up a rope (wire) in my plot, when Ravindra s/o Rajbir, Pawan s/o Prakash, Shivam s/o Vedu. Ashish s/o Ali, and Neeraj s/o Babulal and Pushkar s/o Rajpal, residents of Kharak Kalan and Ashu s/o Bohta, came in a SWIFT VDI Vehicle no. HR-16Z-3500 with sticks and rods in their hands and started abusing and beating me, in which I received several injuries on my body. Then after beating me, all of them got into their



vehicle and threatened to kill me and fled from the spot, then I called my uncle's son, Anup, he arranged for the vehicle and got me admitted to CHC Kharak for treatment, from there the doctor treated me and referred me to GH Bhiwani. Strict legal action should be taken against Ravindra, Pawan, Shivam, Ashish, Neeraj, Pushkar and Ashu. SD- Gaurav Applicant Gaurav s/o Ramkishan r/o Kharak Kala District Bhiwani Mob. No. 7206288902 Action Police On dated 10.06.2024 a letter along with MLR was received from CHC Kharak Kala at Kharak Police Station that Gaurav s/o Ramkishan r/o Kharak Kala has been referred from CHC Kharak Kala to GH Bhiwani due to injuries sustained in a fight. Upon receiving this information, I received the letter along with MLR of HC along with EHC Sitaram 699 from Outpost Kharak Kala, reached at General Hospital Bhiwani, a written application is given to MO for taking statement, in which MO Sahab wrote FIT FOR STATEMENT for complainant, when HC reached the emergency ward, complainant presented a written application to the HC, which is MLR NO DR P RECT/50/PHC/KK/2024 dated 10.06.2024, Dr. Sahib has written about a total of 6 injuries to the victim, injury no.1 ADV X-RAY AND SURGEON AND ORTHO OPINION, that injury no.2 X-RAY RIGHT HAND and injury no.3 X-RAY LEFT HAND AND SURGERY OPINION and injury no.4 X-RAY LEFT LEG WITH KNEE and injury no.5 X-RAY RIGHT LEG and injury no.6 SURGERY OPINION has been lodged, which on the basis of MLR and application, was found to be crime 147,148,323,506 IPC, so the complaint is being sent to the Police station through EHC Sitaram 699 along with regular case no. Later on, informed us of case number. I leave for the spot along with the witness of the spot, HC along with him goes to the spot. Today General Hospital Bhiwani SD-SUSHIL KUMAR HC Police Post Kharak Kala Date 10.06.2024 Time 06.20PM Today, on receipt of the complaint by EHC Sitaram 699 at the police station, FIR No. 327 dated 10.06.2024 under sections 147,148,323,506 IPC was registered at Police Station Sadar Bhiwani and after giving the copy of the original complaint to the police, the permanent note was sent to EHC Sitaram 699 and sent to HC Sushil Kumar 161/Bhiwani. Copies of the copied FIR will be sent to the service of Bajaria Post



Area Magistrate and officers. Note: This FIR is being registered in the presence of ASI Mukesh 76/Bhiwani.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the entire story put forth in the FIR is false and concocted. Petitioner is not named in the FIR as his name surfaced in the disclosure statement of co-accused. Serious injuries are attributed to co-accused and that the petitioner had only conducted the Reki. He has been implicated due to enmity and political rivalry as the petitioner was not even present at the alleged incident.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Ashish Bishnoi, DAG, Haryana accepts notice on behalf of the respondent-State and opposed the prayer for grant of the concession of bail by submitting that custodial interrogation of the petitioner is required to ascertain the facts narrated in the FIR.

4. **Analysis**

Be that as it may, considering the fact that petitioner is not named in the FIR as his name surfaced in the disclosure statement of co-accused and taking note of fact that serious injuries are attributed to co-accused and as per allegation, the petitioner had only conducted the Reki, which is yet to be proved during the course of trial and he is ready and willing to cooperate with the Investigating Agency.

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

08.04.2025
manoj

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