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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-20538-2025
Date of decision: 17.04.2025

YOGESH KUMAR ALIAS DANISH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. R.K. Choudhary, Advocate
for the petitioner.

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.113 dated 15.03.2025 under Sections 115, 3(5), 333 & 351 (3) of BNS registered at P.S Chandimandir, District Panchkula, Haryana.

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

“To, The CP Panchkula DCP Panchkula Police Post In-charge Sec-25 PKL. Subject- On dated 14/3/25 in the night 5 to 6 people attacking with swords and sticks, looting. Sir, I Sandeep Chaudhary S/o Suchcha Singh am a resident of village Devinagar Sector-3 Panchkula. I have a shop named Tricity Kathi Roll in Sector-25. I was sitting in my shop. Then 5 to 6 people came to the shop whose



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*names were Amandeep, Mandeep Danish and others. They came around 9 o'clock and asked me for free food and to give them Rs 5000 for this week and that we take Hafta in the whole of Panchkula. When I refused to pay, they attacked me with swords, sticks and sharp objects. They entered my shop and took about Rs. 15000 money from my pocket and took off the gold chain from my neck and ran away. And they said that start giving hafta and if you will not give, you will have to wash your hands from your life. And ran away after sitting in a swift car. There is also CCTV footage of this case. Which I will make available to you. This Amandeep and others have been committing hooliganism earlier as well. Sir, it is requested that strict action be taken against them. So that there is peace in the city, I shall ever be thankful. thank you sandeep 9646797987 Proceedings Police On 15-03- 2025 a complaint was received from Sandeep Chaudhary S/o Suchcha Singh resident of Village Devinagar Sector-3 Panchkula Bajria Police Station Chandimandir on WhatsApp group and in this regard a complaint was filed by Sandeep Chaudhary above at the police station on which No. Dasti 51 dated 15/03/25 was filed and due to the facts of the complaint being suspicious the daily diary report was filed to verify the facts and by visiting the spot, the allegations of the complaint were verified and during the verification, Sandeep produced the above MLR NO. PKL/MLC/25/03/1309/AA DT 14/03/2025 in which the doctor has stated total seven injuries on Sandeep in which injury no.1 patient has superficial reddish abrasion of size 0.5*0.5cm over left knee with reddish blue bruise of size 2.0*1.0cm behind left knee Adv xray left knee AP/lat view and ortho opinion, injury no.2 patient has superficial reddish blue bruise of size 2.0*1.0cm over right thigh Adv x ray right thigh AP/lat view and ortho opinion, injury no.3 patient c/o pain and swelling in left elbow. No external mark of injury seen. Adv xray left elbow Ap/lat view and ortho opinion, injury no.4 patient has superficial reddish blue bruise of size 1.0*0.5cm over right hand Ad x ray hand AP/OBL view and*



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ortho opinion, injury no.5 patient c/o pain Diminishing of hearing in left ear gt, No external mark of injury seen. Adv ENT opinion. injury no.6 patient c/o pain in occipital region. No external mark of injury seen. Adv NCCT head and surgeon opinion, injury no.7 patient c/o back of chest. No external mark of injury seen. Adv x ray chest Pa/Ap view and surgeon opinion and nature of Injuries after opinion and kind of weapon blunt was reported. During this inquiry, the removal of gold chain and the taking of money was not proved, nor has the demanding money for hafta has been confirmed and on checking the footage of the CCTV camera installed at the scene, it has been confirmed that 4 persons entered Sandeep's shop and assaulted him in the footage. The station house officer of the police station was informed about the situation on phone. After confirming the circumstances, from doctor report and submitted MLR NO-PKL/MLC/25/03/1309/AA DT 14/03/2025 offence under section 115(2), 333, 3(5), 351(3) of BNS was found to be occurred so the complaint is being written and is being sent in the hands of Constable Vikas No.1365/Panchkula to the police station for getting a case registered The FIR number be informed after being registered. I HC am busy doing investigation on the spot. Today at Booth No-222, Tri City Kathi Roll Sector 25 Panchkula. SD/-Sushil Police Post Sector 25 Panchkula Date 15-03-2025 at. 05.30pm Today at the police station the above complaint was received in the hands of Constable Vikas No.1365/Panchkula FIR No. 113 Dated 15.03.2025 Section 115(2), 333, 3(5), 351(3) BNS Chandi Mandir was registered and case file and original complaint were sent in the hands of the Constable to the investigating officer on the spot for doing further investigation. Copies of FIR will be set by post in the service of officials. The station house officer of the police station was informed in regard to the facts of the case. The record was completed as per rules The FIR was registered in the presence of Head Constable Amrit Lal No.89/Panchkula.



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3. **Contention on behalf of the petitioner**

Learned counsel for the petitioner contends that the scuffle had admittedly took place in public vicinity, which is clear from the CCTV footage in the possession of the police party/Investigating Officer. He would further contend that 07 injuries as alleged against the present petitioner and co-accused persons are all actually simple in nature and have not been declared in any manner as grievous to life and no purpose would be served by putting the petitioner behind bars as the custodial interrogation of the petitioner is not required. He also contend that petitioner is on parity as that of his co-accused Amandeep Singh and Mandeep who have already been granted the concession of pre-arrest bail by this Court vide order dated 08.04.2025 in CRM-M-19673-2025 & CRM-M-19328-2025 respectively (Annexure P-2 and P-3).

Notice of motion.

On behalf of the State

On the asking of the Court, Ms. Mayuri Lakhanpal Kalia, DAG, Haryana accepts notice on behalf of the respondent-State, who 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, upon a specific query being put by this Court, learned State counsel would submit that as per copy of medico-legal report, 7 injuries are detailed therein, which would clearly make out that there are no external injuries on all of them and all injuries are internal with superficial reddish blue abrasion or pain on various parts of the body but not on any vital organ and



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the same are declared to be simple injuries.

Be that as it may, the petitioner is ready and willing to join the investigation as has been undertaken in the petition leaving this Court to have no reason to deny the said concession of bail.

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.

17.04.2025
amandeep

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No