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2025:PHHC:051008



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

**CRM-M-20818-2025
DECIDED ON: 22.04.2025**

VIPIN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanyam Khetarpal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 93 dated 17.03.2025 under sections 115/190/191(2)/351(3) of BNS (Section 117(2)/333 of BNS, 2023 added later on) registered at P.S. Adarsh Nagar, District Faridabad, Haryana. (Annexure P-1).

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

“To, Respected Officer-in-Charge, Adarsh Nagar Police Station, Ballabgarh (Fari) Subject: Application regarding lodging an FIR Respected Sir, With due respect, it is requested that I, Sandeep Kumar, S/O Shravan Kumar, resident of Vishnu Colony, Ballabgarh (Faridabad), am writing this. On 16.03.2025, a boy named Vipin, who supplies water, abused my father, Shravan

Kumar, in the street due to a tempo being parked there. He then called a person named Krishnapal from Street No. 5 to my house. Krishnapal abused and assaulted my father. When my father and younger brother went to complain about this act to Krishnapal's father at his house, outside the house itself, Krishnapal, his two sons Deepak and Aditya, his nephew Hemant, and the driver Vipin attacked with sticks and rods with the intent to kill. Due to this, my father suffered serious injuries on his head and hands, and my brother got injured in the eye. My father was referred by the Ballabgarh Government Hospital, and he is currently admitted at Metro Hospital, Faridabad. Krishnapal and the other named boys have also threatened to kill all the family members of the house. Therefore, I request you, Sir, to kindly register an FIR and take appropriate action in the above matter. Thank you.

Applicant: Sandeep Kumar S/O Shravan Kumar Resident of House No. 75/4A, Vishnu Colony, Ballabgarh Mobile No.: 9871379054 Date: 17.03.2025 Police Station Remarks: Upon receiving the application and reviewing the MLR's contents, an offense under Sections 115(2), 351(3), 191(2), 190 BNS has been found to be committed. Hence, Case No. 93 dated 17.03.2025 under Sections 115(2), 351(3), 191(2), 190 BNS has been registered at Adarsh Nagar Police Station. Copies of the FIR will be sent to higher authorities and the area magistrate. The crime scene will be visited, and further investigation will be conducted.

Note: Due to the absence of CC TNS ID of HC Suresh 302/Fari, the case has been registered under the ID of HC Deepak ”

3. **Contention**

On behalf of the petitioner

Counsel for the petitioner inter alia submits that the petitioner is falsely named in the FIR and even otherwise no injury whatsoever has been attributed to the petitioner. It is further submitted that the petitioner is having no criminal antecedents as he is not involved in any other case. Counsel for

the petitioner relies upon an order dated 01.04.2025 passed in CRM-M-17675-2025 vide which co-accused Krishan Pal has already been granted the concession of interim bail. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Chetan Sharma, DAG Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner is the main aggressor, who instigated the fight and he had called co-accused Krishan Pal at the spot, therefore his custodial interrogation is required.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that co-accused Krishan Pal has already been granted the concession of interim bail and the fact that the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his 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

22.04.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>