

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 103

Criminal Miscellaneous No.M-26794 of 2025**Date of Decision: May 16, 2025**Pardeep Kumar

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**PRESENT:** - Mr. Ashit Malik, Advocate, for the petitioner.

Mr. Chetan Sharma, Deputy Advocate General, Haryana.

SANDEEP MOUDGIL, J (Oral)

This is a petition seeking anticipatory bail to the petitioner in case FIR No.792 dated 15.12.2024 under Sections 115, 115(2), 324(4), 351(2) of Bharatiya Nyaya Sanhita, 2023 and under Section 25 of Arms Act, 1959, registered at Police Station, Krishna Gate, Thanesar, District Kurukshetra.

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

“Sir, copy of proceeding is as under:- Statement of Rohtash son of Nata Ram, resident of village Sunehri Khalsa, Police Station K.U.K. District Kurukshetra, aged about 32 years, M-8950065144. Stated that I am a resident of the above mentioned address and a labourer. I am married. I have three children (2 sons and 1 daughter). My father had died 10 years ago. Jasbir Singh son of Karnail Singh, resident of Aakash Nagar, Kurukshetra is my friend. Today i.e. 13.12.2024, at about 4:00/4:30 PM, I received a telephonic call from Jasbir Singh. Thereafter, I went to Jasbir Singh at Aakash Nagar. Pardeep, resident of Jasbir Singh was already standing near Jasbir Singh before I went there. Jasbir Singh told me and Pardeep that we will jointly celebrate a party. Thereafter, we all three proceeded on foot from Aakash Nagar towards Salarpur Road. On the way, when we were crossing in front of the house of Pankaj son of Baljeet Singh resident of Aakash Nagar, suddenly one brick came from the roof of Pankaj. When we saw 2-3 boys were standing on the



roof of the house of Pankaj loudly raising noise 'maro-marro'. In haste, we three started running from there towards backside. While running, Jasbir Singh fell down on the road opposite to the house of Pankaj. I and Pardeep ran away from there and at some distance we hide ourselves. I saw that Pankaj, his wife Sakshi, residents of village Umri, Kaku, resident of Mirzapur, Tarun and Abhi and another unknown person, who were armed with dandas and gandasi starting beating Jasbir Singh. With the intention to kill Jasbir Singh they gave beating for long time while he was lying on the road and were saying that today they will kill him and they will beat him until he dies. Due to fear I and Pardeep do not come out, but we saw the entire incident secretly. Due to fear, after some day, we went away from there. Pardeep told me that Pankaj had already some grudge against Jasbir. Today, while Jasbir was crossing the house of Pankaj, he by taking the benefit of old grudge in connivance with his wife Sakshi, Kaku, resident of Mirzapur, Tarun and Abhi have executed this incident. The passersby took injured Jasbir from the spot and got him admitted in Govt. Hospital for treatment. I was coming to the hospital for taking information about Jasbir, where you met me. I got my statement recorded to you. You are requested that strict action be taken against the above mentioned accused. I have got my statement recorded, have read and heard, which is correct. I have signed my statement in Hindi being admitted the same to be correct."

Contention

3. On behalf of the petitioner

Learned counsel for the petitioner submits that instant FIR is the counterblast to FIR No.786 dated 13.12.2024 under Sections 109(1), 115, 118(1), 190, 191(2), 3(5), 351(3) of Bharatiya Nyaya Sanhita, 2023 registered on the statement of co-accused Rohtash. No injury has been attributed to the petitioner. Weapon of offence already stands recovered. The petitioner is ready to join investigation. The petitioner deserves the concession of anticipatory bail.

On behalf of the State

Learned State counsel appearing on advance notice has opposed the concession of bail to the petitioner inasmuch as petitioner is



involved in five other FIR cases and in one of the case, he stood convicted also.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made herein above especially to the fact that petitioner has not been attributed any injury in the present case and weapon of offence stands recovered, I am of the considered view that there is no valid or cogent reason to deny the concession of anticipatory bail to the present petitioner.

5. **Relief**

Hence, 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 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

May 16, 2025
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>