



297

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32300-2025
Decided on : 14.07.2025

Mukesh @ Mukiya . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Kushager Goyal, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Rishav Kamboj, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)

At the outset, in compliance to the order dated 07.07.2025, learned State counsel has filed the short reply dated 12.07.2025 by way of affidavit of Jagdish Kumar, HPS, DSP, Fatehabad (Haryana) on behalf of the respondent – State, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Mukesh @	340	02.08.2024	115, 118(1), 190, 191(3),	Sadar	Fatehabad



Mukiya, aged 24 years			351(2), 61 of BNS, 2023 [Section 118(2) of BNS, 2023, added later on]	Fatehabad	
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2. Counsel for the petitioner submits that the actual assailant is Subhash, with whom the complainant/injured has certain disputes. Petitioner is neither named in the FIR nor attributed any specific injury. It is only on the basis of the disclosure statement of the co-accused that the petitioner has been involved in the case, who is working as a ‘Siri’ in the fields of the main accused – Subhash. The allegation of the prosecution is that said Subhash had paid him an amount of Rs.25,000/- for arranging the people who would give beatings to the injured party. In this regard, on 07.07.2025, this Court directed the State counsel to ascertain and assist the Court whether there was any communication between the assailants and the petitioner in any manner.
3. On the other hand, learned State counsel submits that during the course of investigation no direct calls or bank transactions were found between the petitioner (accused) and the co-accused/Subhash or Vishal. However, petitioner has been named in the disclosure statements of the said co-accused only, detailing therein the direct involvement of the present petitioner in the crime.
4. At this stage, except for the disclosure statements, there is no other evidence relied upon by the prosecution. The involvement of the petitioner is yet to be established by the prosecution, and there being no material brought on record to show that the petitioner is a known criminal in the area or has indulged in similar activities of arranging musclemen on behalf of others. The custodial interrogation is not warranted at this stage.
5. I have considered the circumstances and gone through the



instant petition and the status report, and thereupon, this Court deems it appropriate to grant the concession of anticipatory bail to the petitioner.

6. Accordingly, petitioner is directed to join the investigation within a period of three weeks from today, or as and when required to do so by the Investigating Agency. In the event of his arrest, petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023.

7. Besides, it is directed that petitioner would hand over his passports to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

8. Petition stands **disposed of** accordingly.

It is, however, made clear that in case petitioner fails to join investigation within the stipulated period, the prosecution shall be at liberty to move an appropriate application for cancellation of bail by recalling today's order.

(SANJAY VASHISTH)
JUDGE

July 14, 2025

J.Ram

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