

CRM-M-32036-2025
Date of Decision:25.07.2025

...Petitioner

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sukhbir Singh Goyat, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

Mr. Jitender Dhanda, Advocate
(through Video Conferencing) with
Mr. Iqbal Roshan, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
42	08.02.2025	Kalanaur, District Rohtak	110, 115, 190, 191(3), 351(3) of BNS

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 10 of the bail petition, the petitioner declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the FIR (Annexure P-1), which reads as follows:

“Respected SHO, PS Kalanaur, Rohtak, it is request to you that I Jitender son of Shri Bhagwan r/o village Balam, Rohtak stated that on 08.02.2025 at around 02:30 p.m. I was sitting at my farm build in the fields with my children. At that time, one Verna Car bearing No. HR12AU-1489 of white colour came there and three-four persons who were armed with iron rod and wooden sticks came out from the car and started beating me with intent to kill. After hearing the noise, my brother came outside, at that time, they saw that 10-12 persons got off from the two



cars parked on the road side and came towards us. They all attacked us and my mother with intent to kill. The whole incident was recorded in the CCTV camera installed at my farm. After hearing the hue and cry, some persons came to save us and on seeing those persons, the accused persons ran away from there after giving threat to kill. The two other cars parked on the road by the accused are bearing No. HR0-3X-9817 make Skoda and bearing No.HR77D-3577 make Grand-110. Some accused persons are identified as Arun, Vijay residents of Bhagotipur who disclosed themselves as shooter of Bhau gang. It is requested that legal action may kindly be taken against them. The police received the telephone call that Dharamender and Jatinder were taken to PGIMS Rohtak and from there rukka and MLR were received by the police officials. As per the MLR No. GG/1352/TC/25 dated 08.02.2025 Dharamender received 2 injuries: (i) Swelling left forearm, Left Elbow posterior surface, left lower back laterally, pain left arm, (ii) Surgery Ortho opinion, as per the MLR No. GG/1353/TC/25 dated 08.02.2025 Jatinder received 4 injuries: (i) Swelling left forearm, Left Elbow posterior surface, Swelling present over the wound, (ii) Chest Laterally, (iii) course of treatment, (iv) Surgery Ortho opinion. On the basis of the complaint and MLR FIR under section 190, 191(3), 110, 115, 351(3) BNS was registered”.

4. The petitioner's counsel prays for bail by imposing any stringent conditions including surrender of fire arms. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family and matter stands compromised.

5. State's counsel oppose the petition based on instructions.

6. Counsel for the complainant puts an appearance through VC and has filed vakalatnama which is taken on record and submits that they have no objection if this Court grant bail to the petitioner as matter stands compromised.

REASONING:

7. Since the matter stands compromised and no recovery is involved in this case, as such, petitioner makes out a case for bail.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.



9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

CONDITIONS:

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However,



suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

25.07.2025

Priyanka Thakur

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: No.