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

**CRM-M-32942-2025
DECIDED ON: 20.06.2025**

GAURAV CHAUHAN AND ANOTHER**.....PETITIONERS****VERSUS****STATE OF HARYANA AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Deepam Raghav , 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.167, dated 28.05.2025 under Sections 190, 191(3), 115(2), 333, 351(3) of BNS, 2023 registered at Police Station Pataudi, District Gurugram, Haryana.

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

“To, police post Incharge Heli Mandi, Gurugram Subject: FIR for entering our house, beating and threatening to kill with the intention to kill Sir, I am Bhupendra S/O Brijpal, a resident of village Jasat, district Gurugram, in November 2024, our neighbor Chhidda tried to rape my mother, for which we had filed an FIR and this case is going on in the court, in this case, Chhidda is on bail, since his house is on the way to our house, he sometimes scares us by showing his eyes,

sometimes by showing a stick, and sometimes taunts us, due to which it has made it difficult for us to come and go on the way, yesterday on 25/05/2025 at 00.05 pm when mummy went to the field to extract milk and papa was standing near the temple, Chhidda scared papa by showing a stick, when we (I myself), mummy and papa told this to Chhidda's son Gaurav, he also shouted, after some argument, the matter was stopped by saying that I will make my father understand, then Ramesh's daughter-in-law also showed mummy's slipper to him. Later all three of us returned home. Then Chhidda, his son Gaurav, brother Ramesh, Chhidda's wife Rakesh, Ramesh's wife Mitlesh entered our house behind us with sticks and hockey sticks and caught me and mother in the drawing room. Gaurav kicked me from behind and the attack happened suddenly. As I turned back, Ramesh shouted, "Hit the bastard and end the story." Chhidda hit the hockey stick on my head with the intention of killing me and it broke. Then Ramesh attacked with a stick. Then all three of them kept on kicking, punching and beating me with the stick. I got injured in my hand and waist. My head started bleeding. During this time, whenever I could see, Rakesh and Mitlesh were beating my mother with sticks. Hearing our voice, father who had gone to the kitchen with milk came running back. Gaurav attacked him with a hockey stick and injured him. While going back after beating everyone, he threatened to kill him and said that if the previous case is not settled, then next time I will kill you. Sir, I request you to file an FIR on my complaint and take action against Chhidda, Gaurav, Rakesh, Ramesh and Mitlesh as soon as possible. Take them into custody, there is a threat to my family's life because of all these people, also you are requested to cancel Chhidda's bail, Applicant -SD-BHUPENDER 9992029584 dated 28/05/25 Action Police On 25.05.2025, Constable Pradeep No. 182 was present at Gurugram Police Outpost Heli Mandi, when information was received from MCPP that Bhupendr son of Brijpal, resident of village Jasat, injured in a fight, is admitted in CHC Pataudi for treatment, on which information Constable Pradeep No. 182 reached CHC Pataudi where he received the medical certificate

and MLR No. RY/27/2025/SDCH/PTD DT 25-05-2025 of the victim Bhupendra above. In the MLR, victim Bhupendra is referred to CH Gurugram. On 26.05.2025, lady constable Smriti reached Civil Hospital Gurugram where she presented an application to the doctor about the victim. The doctor marked PT FIT FOR STATEMENT on the application itself. The victim Bhupendra asked her to come to the police station and lodge a complaint. On 27.05.2025, lady constable Smriti reached CHC where the medical certificate of victim Mithlesh wife Brijpal resident Jasat and MLR No. MLC/PTD/1/J/26/05/2025 DT 26-05-2025 were received and the medical certificate of victim Brijpal son of Natthu Singh resident Jasat and MLR No. MLC/PTD/2/J/26/05/2025 DT 26-05-2025 were received. The doctor has referred the victims Mithlesh and Brijpal above mentioned in both the MLRs to CH Gurugram. After that on 28.05.2025, I, along with constable Pradeep 182 along with constable Babulal no. 2137 reached Gurugram Civil Hospital Gurugram where I presented an application to the doctor about the victim. The doctor marked PT FIT FOR STATEMENT on the application itself. The victim Bhupendra presented a written complaint. On finding that the crime under sections 190,191 (3), 115 (2),333,351 (3) BNS has been committed from the gist of the complaint, a written report is being written and given to constable Babulal no. 2137 Gurugram and sent to the police station for registering the case.XXXX.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is submitted that the only allegation against petitioner No.1 is that he gave a kick blow, and that petitioner No.2 has merely been attributed with raising a *lalkara*; apart from this, no grievous injury or any other overt act has been specifically attributed to either of the petitioners. Counsel further submits that co-accused Rakesh Devi and Mithilesh have already

been granted the concession of interim bail by a Co-ordinate Bench of this Court, vide order dated 10.06.2025 passed in CRM-M-31994-2025 (Annexure P-7).

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Surender Singh Pannu, Addl. AG, Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioners alongwith other co-accused persons gave injuries to the complainant.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially the fact that no specific role or injury has been attributed to the petitioners and co-accused persons namely Rakesh Devi and Mithilesh have already been granted the concession of interim bail vide order dated 10.06.2025 (Annexure P-7) added with the fact that the petitioners are not involved in any other case, meaning thereby they are 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 petitioners, wherein they have *bona fide* intentions and are 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 petitioners are directed to be released on anticipatory bail subject to their 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 petitioners 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 petitioners do 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

20.06.2025

Meenu

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