

**CRM-M-41160 of 2024****1**

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

208**CRM-M-41160 of 2024****DATE OF DECISION :- 14.01.2025****Asheesh Tanwar****...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present:- Mr. Vishal Garg Narwana, Advocate
with Mr. Vikas Barala, Mr. Aman Mittal,
Mr. Rahul Gupta and Mr. Om Pal Potlia, Advocates
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. L.S. Lakhanpal, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.146 dated 10.07.2023 registered at Police Station Kharar, District SAS Nagar, under Sections 341, 323, 148 & 149 IPC (Sections 325 & 307 IPC added later on) at Police Station Kharar, District S.A.S. Nagar.

2. On 23.08.2024, the following order was passed:-

“The petitioner seeks grant of anticipatory bail in respect of case FIR No.146 dated 10.07.2023 registered at Police Station Kharar, District SAS Nagar, under Sections 341, 323, 148 & 149 IPC (Sections 325 & 307 IPC added later on).

The FIR was lodged at the instance of Vikramjit Singh @ Vicky, wherein it is alleged that on 10.07.2023, he alongwith his friend Ajay were going in



a Scorpio vehicle driven by his friend Ajay. When their vehicle was between Kharar and Santemajra, then two vehicles were going in front of them and his friend Ajay Kumar, who was driving the vehicle in which complainant was sitting, blew horn and overtook the said two vehicles. Shortly thereafter, when they turned their car towards their friend's house Amandeep Singh Sandhu inside a society, the two vehicles which they had overtaken surrounded their vehicle. It is alleged that 4-5 persons came out of one of the vehicle and started beating the complainant. The said persons stated that the complainant's vehicle had splashed water on them. When Ajay Kumar tried to rescue the complainant, then 3-4 persons came out of the second vehicle and gave beatings to complainant's friend. When they raised alarm, then some persons residing in the society were attracted at the spot. The accused sat in both the vehicles i.e. Baleno vehicle bearing registration No.UP-25-CU-5064 and Swift vehicle bearing registration No.HR-90-B-3585 and driver of the vehicle i.e. Baleno vehicle accelerated his vehicle and hit against the complainant and dragged him to a long distance as a result of which the complainant fell down and had sustained several injuries. It is alleged that the assailants ultimately fled away from the spot in Baleno vehicle while leaving the Swift vehicle at the spot.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner was not driving the offending vehicle and is stated to be sitting in other vehicle. It has also been submitted that an identically situated co-accused Sahir had already been granted anticipatory bail by this Court vide order dated 14.08.2024 (Annexure P-8) mainly on the ground that he was also not driving the offending vehicle.

Notice of motion for 14.01.2025.

At this stage, while Mr. Sidharth Attri, AAG, Punjab, accepts notice on behalf of the respondent/State, Mr. L.S.Lakhanpal, Advocate, puts in appearance on behalf of the complainant and has filed his Power of Attorney, which is taken on record. Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C."

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3. Learned State counsel, on instructions from ASI Gurdeep Singh has stated that pursuant to the order dated 23.08.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition stands allowed and the interim order dated 23.08.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

14.01.2025*P.Singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No