



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

CRM-M-39671-2025

Date of Decision:19.08.2025

JAGDISH AND OTHERS

...Petitioners

Vs.

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashwani Verma, Advocate
for the petitioners.

Ms. Chhavi Sharma, AAG, Haryana.

Mr. Karan Jangra, Advocate
for respondent No.2.

SANDEEP MOUDGIL, J. (Oral)

1. Prayer

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 for setting aside the impugned Order dated 05.11.2024 (Annexure P-1) passed by Learned Additional Sessions Judge, Fatehabad, whereby pre-arrest bail of the petitioners has been declined in case FIR No.467 dated 15.10.2024 (Annexure P-2) registered under Sections 352, 351(3), 3(5), 115 of Bharatiya Nyaya Sanhita (BNS), 2023 and 3(2) (v), 3(1)(s) of Schedule Caste and Schedule Tribes, (Prevention of Atrocities) Act, 1989 (Amendment 2015) at Police Station Sadar Fatehabad, Haryana being illegal, particularly no prima facie case is made out against the petitioners and based upon factually incorrect averment of the prosecution regarding their involvements in other criminal cases.



2. **Contention**

On behalf of the petitioners

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and the complainant was not even an election agent as alleged by the prosecution. He further submits that there is considerable delay in reporting the matter to the police. It is argued that Jagatpal, the alleged witness to the occurrence, had contested the election for the post of Sarpanch for Gram Panchayat, Kajalheri against Bhoop Singh Foji and had lost the election and due to this grudge, the present false case has been got lodged against the petitioners. It is also submitted that the Presiding Officer of the Election Booth has not made any complaint against the petitioners or any other person. He further submits that nothing is to be recovered from the possession of the petitioners and therefore, custodial interrogation of the petitioners is not required at all and they are ready to join the investigation.

On behalf of the State/complainant

Mr. Karan Jangra, Advocate puts in appearance on behalf of respondent No.2 and has filed his Vakalatnama, which is taken on record.

Learned State counsel assisted by counsel for respondent No.2 opposes the grant of bail by submitting that the petitioner along with co-accused hurled castiest abuses to respondent No.2/complainant belonging to the SC community. It is further submitted that the petitioners are habitual offenders being involved in other criminal cases.



3. **Analysis**

Be that as it may, upon due consideration of the submissions advanced and, in particular, taking note of the fact that nothing is to be recovered from the possession of the petitioners, and no iota of evidence is available on record to show the involvement of petitioners in the alleged offences, and they are ready to join the investigation, therefore, this Court is of the considered opinion that custodial interrogation of the petitioner is not warranted at this stage.

In the light of above, this Court finds no cogent or compelling reason to deny bail to the petitioners, particularly when they have expressed *bona fide* intent, and have undertaken to join and cooperate with the investigation so as to enable timely submission of the final report by the Investigating Agency.

4. **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

19.08.2025

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