



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-46961-2024
Date of decision: January 22nd, 2025

Jakaria @ Jakriya

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sourabh, Advocate
for Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.301 dated 02.08.2016 under Sections 186, 353, 307, 120-B of the Indian Penal Code, 1860, and Section 13(2) of Haryana Gauvansh Sanrakshan & Gausamvardhan Act, 2015, registered at Police Station Dharuhera, District Rewari.

2. While issuing notice of motion on 19.09.2024, following submissions of learned counsel for the petitioner were recorded:

“Learned counsel for the petitioner submits that the petitioner was not named in the FIR in question, which has been annexed as Annexure P-1. He submits that allegedly, the petitioner was driving the vehicle carrying cattle and on being intercepted by the police, he tried to run over the police party and also fired in the air. Learned counsel has submitted that a false and fabricated case has been planted upon him.

On a pointed query put to the learned counsel as to whether any proceedings under Section 82 of the Cr.P.C. have been initiated against him since the occurrence in question dates back to 02.08.2016, he has categorically replied in the negative. On a further query as to whether the petitioner has any previous criminal antecedents, it has been submitted that the petitioner is booked in one other criminal case, however, he is unaware about the details of the said criminal case.”

3. Thereafter, vide order dated 16.10.2024, the petitioner had been granted interim anticipatory bail with direction to join investigation and following submissions of learned State counsel were recorded:

“Learned State counsel has submitted that although the FIR in question was registered in 2016, however, it was only once co-accused Azad alias Kohli was arrested on 20.05.2023 when he suffered a disclosure statement nominating the petitioner as being the person, who was driving the vehicle in question; the petitioner while driving the vehicle on being asked to stop by the police, intentionally tried to run over the police party. Learned State counsel has submitted that the police party had a providential escape as none of the officials present at the spot were injured, however, after driving the truck a little ahead, the co-accused fired towards the police party.

On a pointed query put to the learned State counsel as to whether any police personnel received firearm injury in the occurrence in question, she, on instructions, has replied in the negative.”

4. Learned counsel for the petitioner submits that in compliance of order dated 16.10.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions, does not dispute the

factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 16.10.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

January 22nd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No