



CRM-M-52495-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-52495-2024 (O&M)
Date of Decision: 27.01.2025

Nitish @ Kali

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sunil Goswami, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

Mahabir Singh Sindhu, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.476 dated 29.08.2024 (P-1), under Section 108 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station City Tohana, District Fatehabad.

2. Status report by way of affidavit dated 25.01.2025 of Mr. Umed Singh, HPS, Deputy Superintendent of Police, Tohana, District Fatehabad on behalf of respondent-State has been filed and the same is taken on record. Copy supplied to the other side.

Registry to tag the same at appropriate place.

3. Contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 22.10.2024 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

4. The above factual position is not disputed by learned State Counsel, on instructions from SI Pawan Kumar.



CRM-M-52495-2024 (O&M) -2-

5. Heard learned Counsel for the parties and perused the paper-book.

6. It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 22.10.2024 and the order reads as under:-

“Apprehending arrest in FIR No.476 dated 29.08.2024, under Sections 108 and 3(5) of BNS, 2023 registered at Police Station City Tohana, District Fatehabad, the petitioner has preferred this petition under Section 482 BNSS, 2023 for grant of pre-arrest bail.

2. Learned counsel for the petitioner inter alia submits that allegedly, an altercation took place between deceased and his wife. The petitioner along with 3-4 persons had beaten the deceased and warned him due to which deceased committed suicide. He further submits that petitioner has been falsely implicated in this case and he has clean antecedents.

3. Notice of motion.

4. At the asking of the Court, Mr. Anmol Malik, DAG, Haryana accepts notice on behalf of the respondent-State and seeks time to file reply.

5. List on 04.12.2024.

6. In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his satisfaction. He shall abide by the following conditions as envisaged under Section 482(2) of BNSS, 2023:-

1) That the petitioner shall make himself available for interrogation by a police officer as and when required to



CRM-M-52495-2024 (O&M) -3-

do so.

2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the Court or to any police officer.

3) That the petitioner shall not leave India without prior permission of the Court.”

7. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

8. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 22.10.2024 is made absolute subject to the conditions as envisaged under Section 482 (2) of BNSS.

9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

10. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

11. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

27.01.2025

D.Bansal

**(MAHABIR SINGH SINDHU)
JUDGE**