

CRM-M-51965-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51965-2024
Reserved on: 10.03.2025
Pronounced on: 21.03.2025

Manjeet Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anmol Pratap Singh Mann, Advocate and
Mr. Navjot Singh Sidhu, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0622	10.10.2024	Sector 10, District Gurugram, Haryana	110, 115, 3(5), 351(2) BNS 2023 (Section 118(2) BNS added lateron)

1. The petitioner apprehending arrest in the FIR captioned above had come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 9 of the bail petition, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	588	24.09.2023	323/506/34 IPC	Sector 10 A, Gurugram
2	512	30.08.2024	115/190/191(2)/351(2) BNS 2023	Sector 10 A, Gurugram
3	713	18.11.2023	29(1B)(A) of Arms Act	Sector 10A, Gurugram

3. The facts and allegations are being taken from the reply dated 28.02.2025 filed by the State, which reads as follows:

“That shorn of unnecessary details, the facts giving rise to the registration of the present FIR are that a complaint was made by Narender Singh @ Bittu Chauhan contending therein that on 10.10.2024 at about 12.50PM when he came down from his Fortuner car in front of BN College Pataudi Road, Gurugram and was talking to his son Gaurav on mobile phone, a

CRM-M-51965-2024

Swift Car of White Colour which was not having registration number came there and 3-4 boys, who had their faces muffled and were armed with dandas which were having iron nail studded in them and they attacked upon the complainant. It was further alleged that the petitioner was one of them. It was further alleged that as soon as they attacked the complainant, he caught hold assailants and thereafter one one of the their of companions gave a danda blow on the leg of the complainant due to which the complainant fell down. It was further contended that the petitioner, who was armed with Danda, in order to kill the complainant, wanted to hit a Danda on the head of the complainant but the complainant saved himself from the blow using his right arm and the danda hit him near the right elbow and the assailants continued beating the complainant, due to which the complainant received injuries on his leg and hands. It was further contended that when the complainant raised alarm, then the passersby came there and on seeing them, the assailants ran away and extended threats to the complainant while leaving the spot. It was further stated that the passersby got the complainant admitted at Arvy Hospital. The complainant prayed for taking legal action against the accused persons. Accordingly, the aforementioned FIR was registered and investigations were taken up in the matter.”

4. The petitioner’s counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel for the petitioner further refers to para 4 and submits that he was not present at the spot and incident was captured in CCTV. Para 4 of the petition, reads as follows:-

“4. That the allegations levelled in the FIR against the petitioner are a complete concoction of lies. The petitioner was not involved in giving injuries to the complainant as alleged and was rather not present at the place of occurrence at all. Infact, as alleged, an occurrence did take place in front of BL College Pataudi Road Gurugram and the same was captured by the private CCTV cameras installed nearby. Upon registration of the FIR, the said CCTV footage was admittedly taken into possession by the Police. CCTV footage of the incident dated 10.10.2024 in a pendrive is attached herewith as Annexure P-2. Snapshots of the CCTV footage are attached herewith as Annexure P-3.”

5. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That the role of the Petitioner in the present case is that he alongwith his accomplices gave beatings to the complainant using dandas studded with iron nails and fled from the spot while extending threats to the

complainant. The complainant had suffered grievous injuries.”

REASONING:

7. Unrebutted prayer made by the petitioner in para No.4 of the petition shows that he was not present at the spot. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. The investigation indicates that the petitioner is not the main accused, so the petitioner’s bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During

CRM-M-51965-2024

the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. Petitions allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.