



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

CRM-M-54108-2024

Date of decision: 14.01.2025

MOHIT AND ANOTHER

....PETITIONER

Versus

STATE OF HARYANA

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Abhinav Sood, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of BNSS, 2023, petitioners seek anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
157	23.08.2024	115, 117 (2), 118 (1), 190, 191 (3), 333, 351 (3) of BNS, 2023 and Section 118 (2) of BNS, 2023 added later on.	Hassanpur, District Palwal.

2. Learned counsel for the petitioners submits that in compliance to the order dated 11.12.2024 passed by this Court, the petitioners have already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 11.12.2024.

3. Learned State counsel, on instructions from ASI Sunil, intimates the Court that the petitioners have joined investigation and are neither required for further investigation nor for any custodial interrogation.



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4. During the course of hearing on 11.12.2024, following order was passed:

“2. *Heard.*

3. *After considering the respective arguments, it transpires that upon the registration of the FIR, the petitioners were arrested on 30.08.2024 and were granted concession of bail by the learned trial Court. He further contends that during this period, consequent upon his arrest, the recovery had already been effected from the petitioners before they were granted bail. Consequent to addition of offence under Section 118 (2) of BNS, 2023, on the same grounds, the petitioners had moved application for grant of anticipatory bail which has been disposed of by learned Additional Sessions Judge, Palwal, without considering the facts and circumstances in the correct perspective. He submits that their custodial interrogation is not required as the recovery has as already been effected.*

4. *Learned State counsel, by referring to the reply submitted by the State, has not disputed the factual matrix and submits that no specific overt act is attributed to the petitioners.*

5. *In these circumstances, without commenting on the merits of the case, the petitioners are hereby directed to join investigation within seven days from today and in the event of their arrest, they are ordered to be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. They shall also abide by conditions as envisaged under Section 482 (2) of BNSS, 2023.*

6. *List on 08.01.2025.”*

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5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation consequent to the order dated 11.12.2024 passed by this Court, interim bail granted vide order dated 11.12.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioners are directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

14.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |