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CRM-M-53985-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53985-2024 (O&M)

Date of Decision: 08.01.2025

AAKASH

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. D.S. Virk, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.282 dated 19.04.2024, under Sections 147, 148, 149, 323, 324 and 365 of IPC (Section 307 IPC added later on) registered at Police Station City Sirsa, District Sirsa.

2. On 29.10.2024, the following order was passed:-

“Apprehending arrest in FIR No.282 dated 19.04.2024, under Sections 147, 148, 149, 323, 324 & 365 IPC (Section 307 IPC added later on), registered at Police Station Sirsa, District Sirsa, the petitioner has preferred this petition under Section 482 BNSS, 2023 for grant of pre-arrest bail.

Learned counsel for the petitioner inter alia submits that allegedly, the petitioner and co-accused inflicted 06 injuries on the persons of the complainant. He submits that the petitioner has not been named in the FIR and he has been falsely implicated in this case. The petitioner has been nominated as an accused on the basis of disclosure statement of the co-accused namely, Surjan Singh. He further submits that the injuries are attributed to the co-accused Surjan Singh. He also submits that Kunal and Raja, who had allegedly took the complainant on their motorcycle, have already been granted regular bail by the Court of learned Sessions Judge, Sirsa vide order dated 13.08.2024 (Annexure P2).

Notice of motion.

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

Adjourned to 17.12.2024.



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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 438 (2) of Cr.P.C.

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

3. Learned State counsel, on instructions from ASI Ompati, has stated that pursuant to the order dated 29.10.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the petition is allowed and interim order dated 29.10.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

5. This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

08.01.2025

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No