



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210 CRM-M-60353-2024
Date of decision: 7th January, 2025

Shamsher Singh ...Petitioner
Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.S. Sandawalia, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.
Mr. Rajinder Kumar, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
349	17.10.2024	Cheeka, District Kaithal	115, 190, 191(2), 324(4), 351(3), 61, 109(2)(1) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 117(2) added later on)

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Gurdev Singh alleging that on 16.10.2024, the present petitioner had a quarrel with his employer Rajesh.

**CRM-M-60353-2024****-2-**

The petitioner along with the co-accused Labh Singh, Jaswant Singh and two other youth came to his shop and hurled abuses to his employer and to the complainant. On the same night, when the complainant along with his employer was going to report the matter to the police on a Honda scooter, the petitioner had hit their vehicle with a Thar car. The complainant and his employer had fallen on the road due to the impact of the said hitting and had sustained injuries and even thereafter, the petitioner along with the co-accused had assaulted them. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Additional Sessions Judge, Kaithal which was dismissed vide order dated 25.11.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. Infact, the brother of the petitioner was riding the Thar vehicle and the same had collided with the scooter of the complainant when the latter was chasing the Thar vehicle and he had sustained injuries. A false story has been concocted. It is a case of accident. The allegations do not make out any case for making any attempt to murder the complainant. The petitioner is ready to join the investigation. His custodial interrogation is not required. There is delay in reporting the matter to the police which stands unexplained. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-Assistant Advocate General, Haryana. Learned Assistant Advocate General, Haryana,



assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner as he had intentionally hit the scooter of Rajesh while he was riding the same along with the complainant and had caused injuries to them with an intention to kill them. There are serious allegations against the petitioner. The son of the petitioner had extended threats to the victim-Rajesh Punia by making a Whatsapp call. The custodial interrogation of the petitioner is required for conducting investigation of the matter. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of the same, is alleged to have made an attempt to commit murder of the victim and to cause injuries to them. The injuries which have been sustained by the victims are however, not opined to be dangerous to life. No recovery is to be effected from the petitioner. As such, in the considered opinion of this Court, his custodial interrogation is not required. Keeping in view the nature of the allegations and the part attributed to the petitioner, the petition is allowed and the he is ordered to be admitted on bail, subject to his joining investigation by surrendering before the Investigating/Arresting Officer within a period of one week from today and also thereafter, as and when required till the conclusion of the investigation proceedings and further



CRM-M-60353-2024

-4-

subject to his furnishing personal as well as surety bonds to the satisfaction of the Investigating/Arresting Officer and also on compliance of terms and conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th January, 2025

Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |