

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M No.61735 OF 2024
Date of decision: 31.01.2025

SAMAR CHAUHAN

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Akshay Kumar Dahiya, Advocate for the petitioner
(*Through Video Conference*).

Mr. Rajiv Sidhu, D.A.G., Haryana.

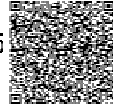
MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.02 dated 02.01.2024 registered under Sections 148, 149, 307, 427, 506 of IPC and Sections 25 and 27 of Arms Act at Police Station Murthal District Sonipat.

2. Vide order dated 10.12.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 10.12.2024, passed by this Court, reads as under:

“The instant petition has been filed seeking pre-arrest bail in case arising out of FIR No.02 dated 02.01.2024 registered under Sections 148, 149, 307, 427, 506 of IPC and Sections 25 and 27 of Arms Act at Police Station Murthal District Sonipat.

Briefly stated the facts relevant for the purpose of disposal of this petitioner are that on the intervening night of 01.01.2024,

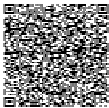


the petitioners along with coaccused had entered inside the main entrance of Manat Haveli, G.T. Road, Murthal. They had thrown stones and bricks towards the complainant who was an employee of above said hotel. One of them had shot a fire with pistol thereby injuring the right leg of the complainant and then all of them had fled away. The co-accused Vishal Chaudhary has since been arrested. Some of the co-accused have been extended benefit of bail. The co-accused Gavanesh was also alleged to have used a pistol at the time of occurrence and as per the allegations, the pistol used by the accused Vishal had been supplied to him by the present petitioner. He was nominated as accused on the basis of disclosure statement made by the co-accused Gavanesh. Apprehending his arrest, the petitioner moved an application for pre-arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Sonipat vide order dated 25.11.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He did not supply any weapon to the co-accused. He was neither present at the spot nor any specific act has been attributed to him. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Therefore, it is urged that he deserves to be extended benefit of bail.

Notice of motion.

Learned State counsel who has advance notice of the petition seeks some time to file status report.



Adjourned to 31.01.2025.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short ‘BNSS’), 2023.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation however, no cooperating with the investigation and has not disclosed the name of co-accused and for this purpose, his custodial interrogation is required..
4. In view of this position of law, the petitioner cannot be denied bail only because of the fact that he has not disclosed the name of co-accused. In my considered opinion, no useful purpose would be served by detaining the petitioners in custody. Hence, the present petition is allowed and order dated 10.12.2024 granting interim bail to the petitioners is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

31.01.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No