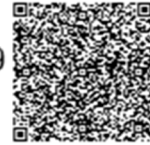


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

104

CRM-M-20886-2026 (O&M)

Date of decision: 18.04.2026

Sukhdev @ Bhanja and another**...Petitioners****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sandeep Kumar Yadav, Advocate
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

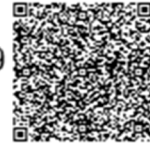
Mr. Ram Kumar, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners seek grant of anticipatory bail in case arising out of FIR No. 410 dated 09.10.2021, registered under Sections 148, 149, 341 and 302 of IPC (Section 120-B of IPC added later on) at Police Station Sadar Kanina, District Mahendergarh.

2. Brief facts of the case relevant for the purpose of disposal of the this petition are the aforementioned FIR was registered on the basis of the statement recorded by complainant Devender alleging that on 09.10.2021, his son Gaurav was returning from Mahendergarh and while on the way and near the canal of village Malra, he was intercepted by accused Ravi, Mohan, Ajay, Pritam, Fukra and petitioner No. 1, who were accompanied by some more persons. His son made a call to his wife intimating that he was assaulted by

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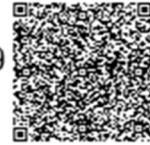


the abovenamed persons by taking him into a hotel. On hearing so, the complainant along with his father Krishna reached at the spot and saw that the assailant while causing injuries to his son. He was rescued by them but was found to have sustained several injuries on his person. He was taken to hospital but died on the way.

3. After registration of the FIR, investigation proceedings were initiated. During investigation, accused Vicky @ Fukra, Ravi @ Langda, Harsh and other accused were arrested. Accused Harsh got recovered mobile phone in which he had prepared a video of the incident. The same was taken into custody by the police. Subsequently, accused Yogesh @ Mohan was also arrested. Petitioner No.1 and one Pritam, who were named in the FIR, were found to be innocent and had not been arrested and challaned. Petitioner No. 2 was subsequently nominated as accused but he too was found to be innocent and was not arrested. After completion of investigation qua remaining accused, challan was presented before the learned trial Court and they are facing trial for commission of aforementioned offences.

4. As revealed from the record, during trial, an application under Section 319 of Cr.P.C. (which is pari materia with Section 358 of BNSS) was moved by the prosecution for summoning the present petitioners as additional accused. The said application had been dismissed as withdrawn with liberty to file afresh at appropriate stage. Subsequently, after recording statements of some material witnesses, another application under Section 319 of Cr.P.C. was filed by the complainant and was forwarded by the State through Public Prosecutor for summoning the petitioners and Pritam as additional accused.

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Vide order dated 12.01.2026, the said application has been allowed and the petitioners and co-accused Pritam have been summoned to face trial as additional accused in the present case. Apprehending their arrest, the petitioners moved a joint application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Sirsa but the same had been dismissed, vide order dated 01.08.2025.

5. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. Petitioner No. 2 was not even named in the FIR. After conducting thorough investigation in the matter, the petitioners were found to be innocent and had not been arrested and challaned. They have been wrongly summoned as additional accused by the learned trial Court. In the CCTV footage of the incident, petitioner No. 2 was seen snatching *danda* from co-accused Captain so as to save the deceased and while not causing any injury to the deceased. No specific injury has been attributed to him. Even no specific injury or overt act has been attributed to petitioner No.1. They are ready to join the proceedings before the learned trial Court. Since they have been summoned as additional accused, their custodial interrogation is not required at all. It is, therefore, urged that the petition deserves to be allowed.

6. Learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer made by the petitioners by submitting that there are serious allegations against them. Their presence at the scene of occurrence stood established from the CCTV footage. They were seen causing injuries to the deceased victim. Keeping in view the gravity of the allegations levelled against the petitioners, they do not deserve to be

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granted concession of pre-arrest bail. Hence, it is urged that the petition is liable to be dismissed.

7. This Court has heard the rival submissions.
8. The petitioners, by membership of an unlawful assembly with the co-accused, are alleged to have assaulted victim Gaurav, which resulted into his death. The petitioners were found to be innocent during investigation. They have been summoned as additional accused by the learned trial Court on allowing an application filed under Section 358 of BNSS. Their custodial interrogation is not required as the investigation is already over. They are ready to join the proceedings before the learned trial Court and to abide by the terms and conditions to be imposed upon them. Keeping in view the abovementioned facts, this Court is of the considered opinion that pre-trial incarceration of the petitioners is not required and they have made out a case for grant of anticipatory bail to them. Accordingly, the present petition is allowed. The petitioners are directed to surrender before the learned trial Court within a period of ten days from today and on doing so, they shall be released on bail, subject to their furnishing personal/surety bonds to the satisfaction of the learned trial Court.

18.04.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>