



203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15138-2025

Date of decision: 24.07.2025

MOHIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. ,Ranvijay Singh, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
393	28.11.2023	Kasola, District Rewari (Haryana)	147/148/149/285/323/427/ 435/447/506 of IPC, 1860 and Section 25 of Arms Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Vide order dated 20.03.2025, the petitioner was granted interim bail, which continues to date.

3. The facts and allegations are being taken from the order dated 06.02.2025 passed by the Additional Sessions Judge, Rewari, which reads as follows:

“First information report registered on the complaint moved by complainant Rajbir Singh alleging that he has constructed houses in fields behind Gurutek Company in village Davana and on 26.11.2023, he along with family members was at home and his sister- in-law (Bhabhi) had also come at his house and his brother Ranjeet with his family also reside in the house constructed in the fields and the land of his family members is also situated there. Complainant alleged that at about 1 O'clock in the noon, 10-15 vehicles including one JCB, one tractor and several bikes were brought by 80-90 persons and stopped on the road and all those persons armed with lathi, danda and weapons forcibly entered in to their fields and started plying tractor and JCB on which they raised noise. As per complainant, his family members working in the fields namely Jasrath, Malkhaan, Ranjeet, Bhupender, Prem Singh, Ajay Singh, Narayan and Bhagirath came there. In the meantime, Rakesh Chugh and Rakesh Kumar alongwith assailants called others and stated to do hurriedly and Rakesh Chugh, Rakesh Kumar and other persons armed with lathi, danda and stones assaulted complainant party and they ran towards their houses. The persons who came with Rakesh Chugh and Rakesh Kumar fired towards complainant with intention to kill him and he had narrow escape. Other 3-4 persons also armed with weapons fired towards him and the persons who had come with Rakesh Chugh and Rakesh Kumar forcibly entered



into the house of complainant and Rakesh Chugh and Rakesh Kumar asked them to vacate the houses and land. On raising objection, all the persons inflicted various blows of lathi, danda, stones and hurled abuses. Rakesh Kumar started misbehaving with his Bhabhi and pressed her under feet and knee and pressed her chest. Rakesh Chugh and Rakesh Kumar asked others to damage and put fire to the vehicles and they put tractor No.HR-36AG-7596 of his nephew on fire and broke windows of the houses and vehicles of the neighbour. While leaving the spot, the assailants extended threat to vacate the houses and land and that they would be finished before the verdict of the court Complainant requested to take legal action against the said persons.”

4. Counsel for the petitioner seeks bail on the ground of parity with the co-accused Rakesh Chugh and another to whom Hon’ble the Supreme Court had granted bail vide Annexure P-4. Hon’ble the Supreme Court while granting the bail had observed as follows

“Considering the circumstances on record, in our view, the appellants are entitled to the relief claimed under Section 438 of the Code of Criminal Procedure, 1973.

We, therefore, allow this appeal, set-aside the order passed by the High Court and make the order dated 21.02.2024 absolute. We direct that in the event of their arrest, the Arresting Officer shall release the appellants on bail subject to their furnishing case security in the sum of Rs.25,000/- each (Rupees Twenty-Five Thousand only) with two like sureties.

It is directed that the appellants shall extend complete cooperation in the ensuing investigation.

The appellants shall not misuse their liberty and shall not in any way influence the witnesses or tamper with the material on record.

With the aforesaid directions, the criminal appeal is allowed.”

5. Counsel for the petitioner submits (without conceding and admitting) submits that the petitioner be given one opportunity to live like a good citizen. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence, he would have no objection, if State files an application for cancellation of his bail, he shall not enter in the disputed property till the pendency of the trial expresses permission from the Magistrate to recall his portion of the order about which the concerned Illaqa Magistrate shall be competent to recall. He further and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State’s counsel opposes bail on instructions.

REASONING:

7. Petitioner was not named in the FIR, main accused already enlarged on anticipatory



bail, as such, no useful purpose would be served by custodial interrogation, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing the same for the bail stage.

8. The petitioner was granted interim protection, and in the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute.

9. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition allowed** in terms mentioned above. Interim order dated 12.03.2025 is made absolute. All the pending application(s), if any, stand disposed of.

24.07.2025
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(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No