



CRM-M-33267-2025

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212 (1st case)**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-33267-2025

Date of decision: July 22, 2025

Malkhan alias Malkhan Singh

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:** Mr. Nipun Bhardwaj, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Mr. Deepak Khandelwal, Advocate,
Mr. Karnesh Verma, Advocate and
Mr. Rahul, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of anticipatory bail to the petitioner in case FIR No.115 dated 03.06.2025, under Sections 191(2), 190, 115(2), 61(2), 351(2), 329(3), 49, 117(2) and 189(6) of the BNS, 2023, registered at Police Station Sector-6, Dharuhera, District Rewari.

2. On 25.06.2025 the following order was passed:-

“1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in FIR No.115 dated 03.06.2025, under Sections 191(2), 190, 115(2), 61(2), 351(2), 329(3), 49, 117(2) and 189(6) of the B.N.S., 2023, registered at P.S. Sector 6, Dharuhera, District Rewari.

2. In nutshell, the allegations levelled in the present FIR are that, on 27.05.2025, one Vijay Singh and his brother Malkhan Singh (present petitioner) unlawfully and forcefully entered the premises of complainant's company namely “Weatherseal Fenestration Pvt. Ltd.”, and, threatened the complainant and other employees of the company of their lives. Thereafter, on 02.06.2025, at about 05:40 p.m., when the



complainant Anurag Chaurasiya and Ajay Raj Yadav were taking a tea break outside the company, five unidentified assailants came there in a car and they were armed with iron rods, wooden danda, hockey and baseball bats. These five unidentified persons inflicted injuries upon the complainant Anurag Chaurasiya and Ajay Raj Yadav, at the behest of the petitioner and Vijay Singh.

3. *The learned counsel for the petitioner submits that, in the present FIR, the petitioner has not been named as one of the assailants, rather he has been alleged to have conspired with the assailants, who caused injuries to the complainant and Vijay Singh. He further submits that, all the injuries are simple in nature, and, all the offences alleged in the FIR are bailable, except the one punishable Section 351(2) of the B.N.S.*

4. *Furthermore, the learned counsel for the petitioner submits that, although the petitioner has a valid contract with the complainant's company, however, considering the sore relationship between them, the petitioner is ready to undertake that, neither he nor his brother would henceforth ever make any attempt to interfere in the business of the complainant's company, and that, they will not enter into the premises of the complainant's company. He further submits that, in case, the petitioner or his brother has any civil dispute with the complainant's company, they will approach the competent authority/court of law for redressal thereof.*

5. *At this stage, Mr. Deepak Khandelwal, Advocate, records his appearance on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today. Although he vociferously opposes the grant of anticipatory bail to the petitioner, however, he fairly concedes that, in the present FIR, the petitioner has not been named as one of the assailants, rather he has been alleged to be one of the persons, who sent the assailants to inflict injuries upon the complainant Anurag Chaurasiya and Ajay Raj Yadav. Moreover, the entire incident is recorded in the C.C.T.V. cameras.*

6. *The learned counsel for the complainant further submits that, the sole concern of the complainant is that, the petitioner or his brother/coaccused should not interfere in the day to day business affairs of the complainant's company. Therefore, he prays that, the petitioner be directed to furnish an undertaking to the above effect before the investigating officer.*

7. *Notice of motion for 22.07.2025.*

8. *Mr. Anant Kataria, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.*

9. *Be that as it may, considering the fact that: (i) injury(ies) suffered by the injured are simple in nature; and (ii) no specific injury has been attributed to the petitioner; this Court deems it appropriate to direct the petitioner to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.*

10. *Moreover, the petitioner is directed to, at the time of joining investigation, furnish an undertaking on his affidavit, before the investigating officer, to the effect that, henceforth he or his brother/coaccused will not make any attempt to enter into the premises of the complainant's company, and/or, interfere in its day to day business."*

3. Learned State counsel has filed status report by way of an affidavit dated 21.07.2025 of Dr. Ravinder, H.P.S., Deputy Superintendent



of Police (HQ), Rewari, District Rewari, and the same is taken on record. Learned State counsel (on instructions) has submitted that pursuant to the order dated 25.06.2025, the petitioner has joined investigation and is not required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail stating that the allegations against the petitioner are serious in nature and in case, he is extended the concession of anticipatory bail, there is all likelihood that he may flee from the process of justice as also interfere with the prosecution evidence. Learned counsel for the complainant has further iterated that the petitioner is a habitual offender.

5. Having heard learned counsel for the rival parties and upon perusal of the record, especially keeping in view the factum of the petitioner having joined investigation and State not requiring the custodial interrogation, the interim order dated 25.06.2025 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023. However, the petitioner shall remain bound by the condition imposed upon him, and that, henceforth he will not make any attempt to enter into the complainant's company and/ or interfere in its day to day business.

6. This order should not be treated as "blanket" order. It will not be read 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.

7. 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.

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

(SUMEET GOEL)
JUDGE

July 22, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No