

2025:PHHC:042676



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17166-2025
DECIDED ON: 28.03.2025

MOHIT

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ketan Antil, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNS, 2023 for grant of anticipatory bail to the petitioner in FIR No.167 dated 09.03.2025 (Annexure P-1), under Sections 115(2), 110, 126(2), 351(3) and 3(5) of BNS, 2023 registered at Police Station Kundli, District Sonipat.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To the Station House Officer, PP Barota, it is submitted that I, Himanshu son of Sunil, am the resident of village Malla Majra, police station Kundli, Sonipat. That yesterday i.e. on 08.03.2025 I was going to Narela from my home on my motorcycle. At about 6:00 pm, in the evening, when I reached at Maneerpur Chawk, Kheri Manajat, then three boys namely Mohit son of Umed Singh, Shivam son of Rajesh resident of Malla Majra and Kukki son of Sudhir resident of Nahari, district Sonipat came from Nahri village side and stoppec my motorcycle by using their motorcycle

and attacked on me by using bat(bitta). That Mohit gave bat (bitta) blow on my head, and Shivam gave bat (bitta) blow on my arm and Kukki gave bat (bitta) blow on my right leg. All three of them gave injuries on other part of my body also. Thereafter, I started screaming and on seeing the passer-buys, all these three boys extended threats to kill in future and ran away from the spot. That 8-10 days earlier I had an altercation with Shivam son of Rajesh, Mohit son of Umed Singh resident of Malla Majra in which our parents got settled that dispute. That due to this earlier enmity, all these persons have given my injuries. Strict legal action be taken against these persons. I will be grateful. Thanks - Sd Himanshu xxx”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he has nothing to do with the alleged offence. He further submits that except the statement of complainant there is no iota of evidence to link the present petitioner with the alleged occurrence. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation. The attention of this Court has been drawn to an order dated 24.03.2025 (Annexure P-2) passed in CRM-M-15888-2025 vide which the co-accused has already been granted the concession of bail.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Chetan Sharma, DAG Haryana, accepts notice on behalf of respondent/State. He on instructions from ASI Satpal prays for dismissal of the present petition on the ground that the serious allegation of causing a blow on the head of the complainant by three accused persons sharing common intention has been averred, therefore, custodial interrogation of the petitioner is required at this stage to ascertain the same.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that State counsel could not produce any medico legal report, which is admittedly awaited as on date under the pretext that complainant is being treated upon at PGIMS, Rohtak. This Court is feeling hard to believe the aforesaid excuse of the State, wherein it is hardly 30 minutes distance from the police station at Sonapat to PGIMS, Rohtak and more than a period of 20 days has lapsed for collecting the aforesaid medico legal opinion from the doctor qua the nature of injury and on that account, the petitioner cannot be put behind bars for no purpose causing harassment and infringement of his fundamental right under Article 21 of the Constitution of India, once he is ready and willing to join the investigation.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

28.03.2025

Meenu

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*