



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

CRM-M-59099-2024

Date of decision: 14.01.2025

Amit @ Pipli

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0292	22.08.2024	Khol, District Rewari	115, 126, 190, 191(2), 191(3), 351(2) of BNS, 2023

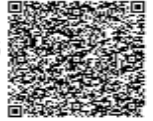
1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 11 of the bail petition and as per paragraph 6 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	148	28.06.2024	452/506/34 IPC	Ateli, District Mahendergarh
2.	154	03.07.2024	115(2), 118(1), 117(2), 126, 351(3), 3(5) of BNS	Ateli, District Mahendergarh

3. The facts are being taken from the FIR, which reads as follows:

“To incharge Police Post Kund. Sir, it is submitted that I Harsh Yadav son of Anil Kumar am resident of Village Majra, P.S. Khol, District Rewari. Yesterday on 21.08.2024 at 5.00 P.M. I went from my home to play ground of village Bhalkhi and when I was coming back after playing then at about 7/7.15 P.M. from play ground through Kacha Path of Village Bhalkhi, then Jayant and Rajat son of Pankaj Kumar, resident of Village Majra stopped their bike in front of me and Amit @ Pipli son of Ram



Mehar, resident of Village Majra and Amit, resident of Nangal Mehta, Behror and Ankit Ateli came on the bikes and given me beatings with danda and rod and Rajat also given injury on my hand with danda and when my co-players were about to come then they left me by threatening to kill with their bikes. After receiving information my family members took me to the hospital. I received fracture near elbow of my left hand and also received injury on the left leg. They have given me injuries unnecessarily by stopping me and threatened me to kill. Stern action taken against them.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

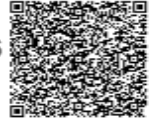
5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“7. That the applicant-accused alongwith co-accused in furtherance of their common intention caused injuries to complainant and in the discharge summary obtained on 11.10.2024, the doctor has opined left elbow dislocation with multiple STI. The recovery of weapon i.e. "iron rod" used in the commission of offence is yet to be pending and there are specific allegations in the FIR against the applicant-accused and his participation in the alleged offence is also specifically mentioned in the complaint and his custodial interrogation is required for further investigation, and arrest of co-accused namely Amit, Rajat and Jayant is still pending.”

7. Although, the injuries have been attributed to the petitioner but a perusal of the FIR does not refer to any motive. The complainant is also not telling the reasons for which the occurrence had started, which creates doubt, as such the petitioner is entitled to bail.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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 it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.



9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

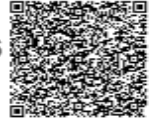
11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. 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.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

14.01.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.