

CRM-M-30556-2025

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**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**CRM-M-30556-2025
Decided on:29.05.2025

Vinit Kumar

.... Petitioner

versus

State of Haryana

.... Respondent

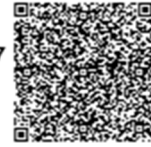
CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGILPresent: Ms. Jasneet Mehra, Advocate for
Ms. Divya Gulati, Advocate
for the petitioner.

Sandeep Moudgil, J. (Oral)1. **Prayer**

The jurisdiction of this Court has been invoked for second time under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.239, Dated 18.10.2020, registered under Sections 307, 34, 120-B IPC and Section 25 of Arms Act, 1959 (Section 307 IPC deleted and Sections 195 and 211 IPC added later on) at Police Station Julana, District Jind.

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

"TO. the Station House Officer, Police Station Julana, it is requested that I Sumit Yadav son of Shri D.P. Yadav, resident of Romana 445 Mahagur Moderne, Sector 78, Noida, Uttar Pradesh. Today on dated 17.10.2020 at about 4 O'clock, I along with my one friend namely Surender Sharma son of Shri Rajender Singh, resident of Arihant Amber Society, C-105, Sector 1, Noida, Uttar Pradesh was going to meet with one friend namely Amit Narwal, resident of Jind, Haryana from my car bearing registration No.HR-26AG-1682 Chevrolet MU, and from nearby petrol pump namely Mahadev Filling Station and took the petrol in the car and then while going towards the side of Jind then distance about 50 meters away, two boys upon one bike came from the left side and we could not see the number of the motorcycle and the pillion rider of the bike, who had carried the pistol, who fired on us four times with the intention to kill us and after the fire I parked my car in the side of the



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road and both the boys came upon the bike, they ran away from the spot, name unknown, and please take strict legal action against the boys who had come on the motorcycle and on today at about 1.30 P.M. one threat call had come on my mobile phone bearing No.8800896832 from my mobile phone bearing No.7236953484 and I am in doubt that the said attack has been done by Prerna Mittal, Vikas Mittal and Sandeep, resident of Vasiyan, Noida, Uttar Pradesh and please investigate properly the matter and take strict legal action against them. Sd/ Sumit Yadav son of Shri Dharam Prakash, resident of House No.445, Romana, Mahagun Modern Sector 78, Noida-8800896832.”

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner was named in the FIR on the basis of disclosure statement suffered by co-accused Mohit Goyal. As per the allegations in the FIR, the petitioner had taken away the gun i.e. .32 bore pistol, which was used in commissioning of offence but the same stands recovered from other Sumit Yadav and on that account, it is highly impossible to accept the aforesaid version of the prosecution for the purpose of denial of anticipatory bail.

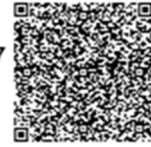
Notice of motion.

On behalf of the State/complainant

Mr. Chetan Sharma, DAG, Haryana having been served with an advance copy, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that accused has tried to cause harm to the complainant.

4. Analysis

Be that as it may, since no overt act has been coming forth, no fruitful purpose would be served by keeping the petitioner behind the bars, who otherwise can be interrogated and material information can be extracted



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from him. There is also an undertaking by the petitioner, which is in para 19 to 21 of the petition and the same reads as under:

“19. to That the petitioner is further ready the by Investigation this Hon'ble as and Court, when while join directed granting the concession of anticipatory bail.

20. to That the petitioner undertakes not persuade or dissuade any prosecution witness and further ready to appear on each and every date of hearing while granting the concession of bail.

21. That the petitioner is ready to abide by all the terms and conditions imposed upon him while granting the concession of bail.”

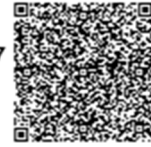
5. Relief:

Hence, in the light of above undertaking as well as role assigned to the petitioner, this Court deems it fit case where the petitioner is to be admitted to anticipatory bail subject to his 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;



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(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 subsection (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 stand cancelled.

In the aforesaid terms, the present petition stands allowed.

29.05.2025
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No