



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20512-2025
DECIDED ON: 16.04.2025

DEEPAK

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Robin Singh Hooda, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of Bharatiya Nagarik Suraksha Sanita, 2023 (BNSS-2023), for grant of anticipatory bail to the Petitioner in Case FIR No.19 dated 18.01.2025 (Annexure P-1) under Sections 109(1), 296, 3(5), 351(3) of Bharatiya Nyaya Sanita, 2023 and Section 25 of Arms Act, 1959, registered at Police Station Bhiwani Sadar, District Bhiwani.

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

To, Incharge Police Post Kharak Kalan, Bhiwani. It is submitted that I Devendra Barve son of Madhusudan Barve, is resident of 165, Dwarkapuri, Indore, and working as Senior Manager in Narayan Dass Fooldut Mishra Company. Today on 18.01.2024, our company has taken the toll Plaza situated on the Bhiwani- Rohtak road near Norangabad Village, Dist on lease. Time about 06.30 p.m. I and Kuldeep were present in

the Control Room in the office that on motorcyclists came from the said of Baamla and stopped near the Control room and the persons traveling on the motorcycle come down and started abusing loudly and started saying that this toll will be run by Bunty and you go away, otherwise we will kill you. I asked them that who are you, upon which, one person carrying pistol in his hand fired towards me with intention to kill, but I take step back and bullet passed from above. Again stated that you go away, otherwise we will kill you. Thereafter, when they were going on their motorcycle and I have seen that they were three boys on the motorcycle. Thereafter, Kuldeep informed the police by dialling on 112 from his mobile No.9034363544 and you came at the spot and I have submitted my written complaint to you. The above said three unknown boys be traced out and legal action be taken against them. Applicant Sd/- Devendra Barve son of Madhusudan Barve, 165, Dwarkapuri Indore, dated 18.01.2025, at about 10.00 p.m. 9644464926.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but was subsequently roped in on the basis of disclosure statement of co-accused, who was not even present at the spot. He further contends that co-accused namely Lalit Kumar has already been granted the concession of interim bail by this Court vide order dated 27.03.2025 passed in CRM-M-16885-2025, a copy of which is produced today in Court by learned counsel for the petitioner. It has been further contended that a compromise has been entered into between the petitioner, other accused persons and the complainant, as is evident from affidavit dated 27.02.2025 (Annexure P-2). It has been contended on behalf of the petitioner

that the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Vipul Sherwal, AAG, Haryana opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner along with his co-accused hatched a criminal conspiracy and in pursuance thereof, co-accused fired shot upon the complainant in order to kill him.

4. **Analysis**

Be that as it may, considering the fact that the petitioner was not initially named in the FIR but was subsequently roped in on the basis of disclosure statement of co-accused; co-accused namely Lalit Kumar has already been granted the concession of interim bail by this Court vide order dated 27.03.2025 passed in CRM-M-16885-2025 in addition to the fact that a compromise has been entered into between the petitioner, other accused persons and the complainant, as is evident from affidavit dated 27.02.2025 (Annexure P-2).

Also, considering the undertaking given before this Court that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned.

5. **Relief**

In the light of above, 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

16.04.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No