



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107

CRM-M-32760-2025
DATE OF DECISION: 18.06.2025

DAYANAND

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kapish Singla, Advocate for the petitioner(s).

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

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

This petition has been filed under Section 482 of BNSS 2023 praying for grant of Anticipatory Bail to the Petitioner in FIR No. 92 dated 15.03.2025 Under Sections 287, 61(2), 49 & 3(5) of BNS 2023 (285, 120B, 109 and 34 of IPC) and Section 25 54 and 59 of Arms Act registered at Police Station Sadar Gohana, District Sonipat as the Anticipatory Bail vide BA No. 1640 of 2025 before the Learned Additional Sessions Judge Sonipat, who however dismissed the same vide order dated 13.06.2025.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘In the service of SHO Sahib, Police Station Sadar Gohana, Jai Hind, On 14.03.2025, I HC along with HC Sumit No. 256/Sonipat along with Constable Sikandar Mahipal



328/SPT was present at Police Station. That I received a call from Dial 112 vehicle No. 00644 that aerial firing has taken place in village Mahmoodpur, on which information I along with my HC companion Sumit No. 256 reached village Mahmoodpur, where I found Arpit son of Naresh of village Mahmoodpur present, who told that Sarpanch Satpal son of Dariyav Singh resident of village Mahmoodpur has fired in the air, at that time Satpal Sarpanch also reached the spot, who told that Arpit fired in the air and due to it being Holi festival, a huge crowd had gathered on the spot which could not be verified on the spot at that time, which is today dated 15.03.2025, 1 HC along with Head Constable Sumit No. 256/Sonipat along with Constable Mahipal328/SPT reached village Mahmoodpur and verified the spot and it was found that aerial ring was done from both the sides. One aerial firing was done by Sarpanch Satpal son of Dariyav Singh and another aerial ring was done by Arpit son of Naresh and his companions 7-8 persons from both the sides had gathered on the spot. The FSL team was called on the spot and the spot was inspected During the inspection an empty shell was found at the spot on which SB 45 AUTO was written, which was taken into police custody as evidence and the empty shell was video graphed on E SAKSHYA APP. A separate memo of the empty shell was prepared and stamped with S.K. After verification, investigation and inspection of the spot, the empty shell found in the case was found to be a crime under section 287,3(5) BNS 25-54-59 A ACT. A written complaint is being sent to the police station with Constable Mahipal 328/SPT for the registration of the case number.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits



that no specific role has been attributed to the petitioner and he was not named in the instant FIR and was not present at the spot. He further submits that no overt act has been attributed to him and there is no direct evidence of use or recovery of any weapon from the petitioner. It is his further contention that co-accused Satpal Singh who fired in the air has been granted the concession of interim anticipatory bail by this Court vide order dated 29.05.2025 passed in CRM-M-27299-2025.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that custodial interrogation of the petitioner is required as gun used in the incident is yet to be recovered.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the facts that no specific role has been attributed to the petitioner; he was not named in the instant FIR and was not present at the spot; no overt act has been attributed to him, moreso, co-accused Satpal Singh who fired in the air has been granted the concession of interim anticipatory bail by this Court vide order dated 29.05.2025 passed in CRM-M-27299-2025. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has



bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

18.06.2025
anuradha

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