



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

209

CRM-M-55199-2024(O&M)

Date of Decision: 20.03.2025

Nitin

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. K.D.S. Hooda, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest the petitioner has filed this petition under Section 438 of Cr.P.C. for grant of anticipatory bail in case bearing FIR No.0496 dated 15.08.2024 under Sections 115, 3(5), 333, 351(3) and 79 of BNS (Sections 74, 75, 76 and 115(2) of BNS were added lateron) registered at Police Station Hansi City, District Hansi.

2. On 07.11.2024, this Court has passed the following order:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0496 dated 15.8.2024 (Annexure P-1) under Sections 115, 3(5), 333, 351(3), 79 of Bharatiya Nyaya Sanhita (BNS) (Sections 74, 75, 76, 115(2) of Bharatiya Nyaya Sanhita (BNS) added later on), registered at Police Station Hansi City, District Hansi.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner has nothing to do with the present case and is even not named in the FIR. The FIR has been registered against one Vikram Dhingra and Happy on the basis of the statement made by the sister of the alleged victim/complainant, as per which, it has been stated that on 14.8.2024 the said Vikram Dhingra and Happy entered the shop of Nandini/sister of the complainant; demanded Rs.5,00,000/-;



and had given multiple abuses to the complainant and beatings to the mother and sister of the complainant. Learned counsel for the petitioner reiterates that the petitioner has nothing to do with the present altercation. The petitioner has a shop adjacent to the shop of sister of the complainant and he had only gone to the shop of sister of the complainant when he heard shouts from there. Learned counsel for the petitioner prays for grant of interim relief to the petitioner and undertakes that the petitioner will join the investigation and cooperate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Surinder Kumar Dagar, DAG, Haryana accepts notice on behalf of respondent-State; and Mr. Neeraj Sansaniwal, Advocate, who is present in the Court, accepts notice on behalf of complainant and filed his Power of Attorney, which is taken on record.

Learned counsel for the State assisted by learned counsel for the complainant oppose the prayer made on behalf of the petitioner and inform this Court that the name of the petitioner came into the picture when Nandini (owner of the shop)/victim/sister of the complainant had mentioned that the petitioner had inflicted injuries upon her. However, both counsel are unable to explain that if this was so, then why was the petitioner not named in the FIR.

It is also vehemently denied by learned counsel for the complainant on instructions, that the petitioner has a shop adjacent to the shop of sister of the complainant. However, learned counsel for the State, on instructions, verifies that the petitioner has a shop adjoining the shop of sister of the complainant. Learned counsel for the State seeks time to file the reply/status report in the matter.

Adjourned to 10.2.2025.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;



- ii) that the petitioner 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/her from disclosing such facts to the Court or to any police officer ;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing. ”

3. Learned State counsel on instructions from SI Geeta-Investigating Officer submits that in compliance of order dated 07.11.2024, the petitioner has joined the investigation and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 07.11.2024 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned ibid and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.

7. The accused/petitioner 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 or her from disclosing such facts to the Court or to any police officer.



8. The accused/petitioner shall not leave India without prior permission of the Court.

9. The accused/petitioner shall join the investigation as and when called by the police.

10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

20.03.2025
Kapil

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No