



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

CRM-M-31003-2025

Decided on: 29.05.2025

Mohit Khatana

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Tanvir S. Grewal, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Vishavjeet Gill, Advocate, for respondent No.2.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No. 446 dated 23.12.2024, registered under Sections 110, 115, 190, 191(2), 351(2) of BNS, 2023, at Police Station Sector 65, Gurugram, District Gurugram.

2. Succinctly facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Abhishek. It was alleged that on 19.12.2024, when he was in his office, then at about 10:00 p.m., he heard noise of commission outside his office. He came out of the office and saw some young boys were abusing the passersby. On seeing the complainant, they ran towards him and started beating him with sticks in their hands without any rhyme and reasons. He ran towards the backside of his office but all those boys followed him with sticks in their hands and continued beating him badly. One of the boys was Mohit @ Tat (petitioner). Mohit @ Tat hit him on his head with stick and thus, he fell down. On seeing, the crowd gathered and all those boys escaped from the scene of occurrence by threatening to kill him. He produced the CCTV footage of his



office and prayed for taking legal action against the accused. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Gurugram, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 24.01.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. Thrust of arguments raised by counsel for the petitioner is basically on the compromise arrived at between the parties, which he has placed on record as Annexure P-2. He has submitted that on the basis of the compromise, the co-accused, namely, Mohit and Dikshant have already been granted interim anticipatory bail by this Court vide orders dated 07.05.2025 and 26.05.2025 passed in CRM-M-21556-2025 and CRM-M-29035-2025, respectively. He, thus, submits that case of the petitioner being at par with the co-accused, who have already been granted interim anticipatory bail, he deserves to be granted anticipatory bail.

4. Learned counsel for respondent No.2 has endorsed the fact that the complainant has compromised the issue with the petitioner and he has no objection, if the petitioner is granted anticipatory bail.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is specifically named in the FIR, who caused grievous injuries to the



complainant. He submits that the offences alleged are grievous in nature and are non-compoundable and thus, the compromise as relied upon by counsel for the petitioner is of no help. He further submits that the petitioner is a habitual offender, who is involved in four other cases of offences of grievous nature and thus, he does not deserve to be granted anticipatory bail.

6. The Court has heard counsel for the parties and perused the record. As alleged by the complainant, the petitioner alongwith the co-accused had caused grievous injuries to the complainant. Though the co-accused have been granted interim anticipatory bail by this Court on the basis of the compromise as relied upon by counsel for the petitioner, however, this Court is not inclined to accept the same in the light of the facts and circumstances of the present case. As submitted before this Court, the petitioner is involved in four other cases. One for the orders pertaining to anticipatory bail to the petitioner in FIR No.19 dated 21.01.2023, under Sections 392, 506, 34 IPC, at Police Station Bhondsi, Gurugram would show that the petitioner is involved in heinous offences. Thus, *prima facie*, it is evident that the petitioner has criminal antecedents and the same cannot be ignored for the consideration of anticipatory bail prayed. Thus, this Court does not find the case of the petitioner at par with the co-accused, who have been granted interim anticipatory bail by this Court.

7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

**482“Direction for grant of bail to person apprehending arrest:**

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *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.”*
8. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the



time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

9. Hon’ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

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12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

29.05.2025
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No