



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

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**CRM-M No.5541 of 2025
Date of decision: 07.03.2025**

SANDEEP KUMAR

.... Petitioner

Versus**STATE OF HARYANA**

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Raman Chawla, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.868, dated 13.12.2024, registered under Sections 121(1), 126, 127(2), 132, 190, 191(2), 221, 262 of Bharatiya Nyaya Sanhita, 2023 at Police Station HTM Hisar, District Hisar.

2. Vide order dated 30.01.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 30.01.2025, passed by this Court, reads as under:

“Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks anticipatory bail in case FIR No.868, dated 13.12.2024, registered under Sections 121(1), 126, 127(2), 132, 190, 191(2), 221, 262 of Bharatiya Nyaya Sanhita, 2023 at Police Station HTM Hisar, District Hisar.



The aforementioned FIR has been registered on the basis of a complaint lodged by S.I. Kheta Singh on 12.12.2024 on the basis of a secret information, he had reached at Railway Line, Hisar area for the purpose of apprehending of one Joginder who was required in this case. On reaching there, a secret informer had pointed his finger towards Joginder. He was tried to be apprehended. However, on raising clamour by him, his family members and some other persons living in the neighborhood had gathered there and they physically assaulted the complainant and other members of the raiding party and caused obstruction in performance of his duty by performing membership of an unlawful assembly and in prosecution of common object thereof. The petitioner was one amongst them. After registration of FIR, investigation proceedings have been initiated and are underway.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case by the police officials in connivance with S.I Mahender Singh and Vinod Kumar. Since a case bearing FIR No.23 dated 10.12.2024 has been lodged by the petitioner as against the above said S.I. Mahender Singh who is posted at ACB Hisar. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. Therefore, it is urged that petition deserves to be allowed.

Notice of motion.

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Learned State counsel who has advance notice of the petition seeks time to file status report.

Adjourned to 07.03.2025.

Since the petitioner's counsel is having apprehension that the petitioner may be given third degree torture by the Investigating Officer, direction is hereby given to concerned Station House Officer that the petitioner be joined into the investigation in his presence.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023."

3. Thereafter vide order dated 04.02.2025 passed by this Court, the petitioner was granted further extension of time to join the investigation till 15.02.2025, as two other FIRs had been registered against him and he had applied for grant of pre-arrest bail in those FIRs. He was apprehending his arrest in those FIRs.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 15.02.2025 and he is not required for custodial interrogation.

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5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the orders dated 30.01.2025 as well as 04.02.2025, granting interim bail to the petitioner, are made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

07.03.2025**Jyoti-IV****(MANISHA BATRA)****JUDGE**

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No