



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-60914-2024

Date of decision: January 22nd, 2025

Mohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail in FIR No.98 dated 12.11.2024 under Sections 115, 118(1), 3(5), 351(3) of the BNS, registered at Police Station Sector 7, Panchkula.

2. While granting the concession of interim bail to the petitioner on 17.12.2024, following submissions of learned counsel for the petitioner were recorded:-

“Learned counsel for the State has submitted that the petitioner has been attributed two injuries which include an incised wound on the arms and one lacerated wound on the right temporal region of the complainant; the petitioner is clearly visible in the CCTV footage retrieved from within the campus of the place of occurrence i.e. Government PG College, Panchkula. It has been further submitted that in fact the petitioner was not even a student of the college and had accompanied the other coaccused in a vehicle and thereafter, inflicted injuries upon the complainant which finds due corroboration with the medico legal report of the complainant.

Qua the accused Mohit Gujjar having been extended the concession of bail even though he was named as an accused in the FIR in question, it has been submitted, on instructions from ASI Pawan, that notice under Section 41-A of Cr.P.C./Section 35(3) of BNS, 2023, was sent to all the accused including Mohit

Gujjar as well as the petitioner; accused Mohit appeared before the Investigating Agency pursuant to the receipt of the notice and it was in that background that he was extended the concession of bail. Learned State counsel has asserted that the petitioner had not appeared pursuant to the notice sent and hence, the petitioner could not seek parity with accused Mohit who had since been extended the concession of bail by the police itself.

Learned counsel for the petitioner has submitted that no notice under Section 41-A of Cr.P.C. was received by the petitioner and hence, the petitioner did not appear before the police. However, the petitioner is still willing to appear before the Investigating Agency and cooperate with the investigation.”

3. Learned counsel for the petitioner submits that in compliance of order dated 17.12.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 17.12.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) BNSS.

January 22nd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No