

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:073026



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CRM-M-20579-2025

Date of decision:27.05.2025

Rohit Kumar & another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. M.S. Basra, Advocate for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section Section 482 of the BNSS seeking grant of anticipatory bail to the petitioners in cross version case arising out of DDR No.26 dated 31.01.2025 under Sections 115(2), 118(1), 333, 190, 191(3) of BNS (offence under Section 118(2) and 117(2) of BNS were added subsequently) to the FIR No.3, dated 15.01.2025, under Sections 115(2), 118(1), 333, 190, 191(3) of BNS, registered at Police Station Tibber, District Gurdaspur.

2. As per allegations, on the night of 13.01.2025, complainant – Rohan along with his family members was present in his house when the present petitioner along with co-accused entered therein. All of them were armed with weapons. Accused Nitish Kumar made an exhortation to catch hold of the complainant and his family members and to teach them a lesson for quarrelling with them and then all others opened an assault upon them.

Accused Nikhil strucked a blow with *datar* to the complainant as well as to his father Joginder Pal. On raising alarm, some relatives of the complainant reached there, who too sustained injuries at the hands of the assailants and thereafter, the assailants fled away. The motive attributed to the assailants was that a scuffle had taken place between the members of complainant party and themselves on that very evening.

3. A DDR No.26 was registered on the complaint so lodged by complainant – Rohan on 31.01.2025. The petitioners were also nominated as accused. Apprehending their arrest, the petitioners moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Gurdaspur vide order dated 11.03.2025.

4. It is argued by learned counsel for the petitioner that they have been falsely implicated in this case. Infact the members of the complainant party were the aggressors. It is a case of cross-version and FIR bearing No.3 had been registered on 15.01.2025 on the basis of statement of a member of their party. There is delay of 17 days in lodging of the DDR. The custodial interrogation of the petitioners is not required. They are ready to join investigation. No specific overt act is attributed to them. Two members of their party sustained injuries in the same incident. No recovery is to be effected from them. It has further been argued by learned counsel for the petitioner that co-accused have been extended benefit of anticipatory bail. As such, it is urged that they too deserve to be extended the benefit of pre-arrest bail.

5. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the

petitioners as by forming membership of an unlawful assembly with the co-accused, they had extended simple as well as grievous injuries to the complainant and others. Their custodial interrogation is must for conducting proper investigation in the matter. No exceptional or extraordinary circumstance for grant of bail is made out. With these assertions, it is argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties carefully and perused the relevant record.

7. The petitioners are alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, they are alleged to have caused simple as well as grievous injuries to the victim. As per the allegations, petitioner No.1 – Rohit struck a *datar* blow on the person of victim – Abhishek and the injury so sustained by him was opined to be simple in nature, whereas petitioner No.2 – Nikhil Kumar caused grievous injuries with a *datar* on index finger of the right hand of Rohan. A case bearing FIR No.3 had been registered on 15.01.2025 on the statement recorded by Pankaj, who is a member of the party of the petitioners. It is a case of version and cross-version. The subject offences are triable by the Magistrate. There was delay of 16 days in reporting the matter to the police by the complainant side. The members of the party of the petitioners too had sustained injuries. Given the nature of the allegations, this Court is of the considered opinion that custodial interrogation of the petitioners is not required and their pre-trial incarceration would not serve any purpose. As such, the petition is allowed and the petitioners are ordered to be released on bail subject to the condition that the petitioners shall

surrender before the Investigating Officer/Arresting Officer within a period of 10 days from today and shall join the investigation. They shall also join investigation as and when required subsequently. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 482(2) of BNS.

8. It is, however, clarified that nothing stated above shall have any bearing on merits of the case.

9. Pending application(s), if any, shall also stands disposed of.

(MANISHA BATRA)
JUDGE

27.05.2025

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