



CRM-M-46293-2024

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

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Decided on: 14.01.2025

Aditya alias Aadi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aditya Sanghi, Advocate  
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Kushagar Goyal, Advocate and  
Mr. Naresh Kumar Kalia, Advocate  
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
512	27.07.2024	Sirsa City, District Sirsa, Haryana	109(1), 115(2), 351(2), 3(5) of BNS 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 21 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the copy of FIR (Annexure P-2) which reads as follows:

*“Statement of Dishant son of Krishan resident of Kharpur Colony Sirsa, aged 20 years, mobile no. 98121-xxxxx, 70820-xxxxx. Stated that I am resident of above mentioned address and I am studying in B.A. 2nd Year at Govt. College Sirsa. That on dated 21.07.2024 time at around 6 AM I had gone from my home to vacant playground near Khatu Shyam Mandir Rania Road Sirsa for playing Cricket Match. That during that time out of both the teams some boys from Khairpur Colony Sirsa and some boys*



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*from Balmiki Mohalla Sirsa were playing. That during our match Aditya @Aadi Mandal son of parveen Resident of Balmiki Mohalla Sirsa was doing work of Umpiring. That time at around 7:00 AM during match I was bowling on behalf of my team. That during the same time Aditya @Aadi Mandal (Umpire) gave a wide ball to the ball which was bowled by me. When I objected to the wide ball while talking to the above Umpire Aditya@ Aadi Mandal, then at that time Umpire Aditya@ Aadi Mandal slapped me on the cheek and started hurling abuses to me. When I objected to this behavior of the umpire, then during that time Ankit son of Rock resident of Balmiki Mohalla Sirsa came to me and bullyragged me and caught hold me from behind and during that time Ankit above named to said to Aditya @ Aadi Mandal (Umpire) that he is to be taught a lesson for objecting to the umpire's decision. On which Aditya @ Aadi Mandal (Umpire) took a wooden bat in his hand gave blow upon my head with an intention to kill me. That due to sustaining injury as the bat hit upon my head so blood started oozing from my mouth and momentarily felt dizziness and I fell down on the ground. That even when I was lying down Aadi Mandal (Umpire) and Ankit above named inflicted injuries to me by kicking and with fist blows, in the meanwhile our fellow players came for mediation between us then Aditya @Aadi Mandal (Umpire) and Ankit above named gave death threat to me and fled from the spot. Later on upon getting information my Maternal Uncle Manoj Soni had admitted me for treatment at Government Hospital Sirsa and later on after first aid my family members admitted me for Delhi Neuro Private Hospital Sirsa for treatment. Where the Doctor conducted my operation regarding the injury inflicted upon the head. That till now I was not in my fully conscious condition due to the effect of medicines due to sustaining injuries inflicted upon the head. Now I am fully conscious. That Aditya @ Aadi Mandal (Umpire) and Ankit above named have inflicted injuries to me without any reason without any right and also given death threat to me. That legal action may be initiated against them. I have recorded my statement, heard it, is correct. That upon accepting above mentioned statement as correct I have appended my signatures underneath the statement in English. SD/ DISHANT, ATTESTED PRARDEEP ASI, I/C PP SABJIMANDI SRS PS CITY SIRSA DT 26-07-2024.*

**POLICE PROCEEDING:-**

*that on dated 21.07.2024 ASI Mohan Lal 1233 Police Post Sabzi Mandi*



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*Sirsa was present in Police Post that information was received from MHC Police Station City Sirsa at Police Post Sabzi Mandi Sirsa that Pandit Dishant son of Krishan resident of Khairpur Colony, Sirsa is admitted in Hospital due to sustaining injuries in injuries sustained in an altercation. That upon getting information ASI Mohan Lal 1233/Sirsa had reached G.H. Sirsa. An application was written separately for recording statement of above named victim Dishant, opinion of the Doctor was obtained. That the Doctor mentioned that victim Dishant above named referred to Higher Centre and ASI Mohan Lal 1233/SRS obtained MLR No. AK/1408/07/2024 dated 21.07.2024 pertaining to victim Dishant from G.H. Sirsa. That in the above mentioned MLR total one injury BLUNT has been mentioned and injury No 1 has been kept Adv CT Head Surgeon opinion by the Doctor. That on dated 23.07.2024 ASI Mohan Lal 1233/SRS conducted enquiry of victim Dishant above named reached Delhi Neuro Private Hospital Sirsa and obtained opinion of the Doctor for recording statement of victim Dishant above named. The Doctor declared victim Dishant above named not fit for statement from dated 21.07.2024 to dated 23.07.2024. On dated 24.07.2024 and 25.07.2024 also the Doctor declared victim Dishant above named not fit for statement. Then on dated 26.07.2024 ASI Pardeep Kumar along with SPO Suresh Kumar 275 for recording statement of victim Dishant above named reached Delhi Neuro Private Hospital Sirsa and obtained opinion of the Doctor for recording statement of victim Dishant above named by writing a separate application. That the Doctor declared victim Dishant fit for statement. Whereby Whereby ASI along with fellow employees reached the bed of victim Dishant above named in a private Room. Where victim Disant was found present on Bed and victim Dishant above named recorded his statement to above named ASI. Which has been attested by ASI. That upon examination of above mentioned statement and MLR prima facie a case is made out under section 115(2), 109, 3 (5) BNS so statement for registration of case was sent by hand through SPO Suresh Kumar No. 275 and above mentioned case was got registered. After registration of number be informed. Special report of the case be sent by mail to Ld. Area Magistrate as well as senior officials. I the ASI for purpose of investigation is present on the spot. Today at Delhi Nuro Private Hospital at Sirsa. Sd/- PARDEEP ASI I/C PP SABJI MANDI SIRSA, POLICE STAITON CITY SIRSA, DATED 26- 07-2024 AT 9 PM. XXXXXX”*



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4. Petitioner's counsel submits that the petitioner has falsely been implicated in this case while he is absolutely innocent and have not committed any offence. He further submits that the Petitioner is young boy of 20 years of age and had been a bright student. The mark sheets of the petitioner for Senior secondary and Secondary examination are enclosed as Annexure P-5 and Annexure P-6 respectively to suggest that he is a studious person and never involved himself in any such like activity and the petitioner is at just at the start of his carrier. He has won certificates in body building also. It is also submitted that as per the FIR there is only one injury i.e. injury No.1 of the injured, which was declared dangerous to life and there was no intention to cause such injury as it shall be debatable during trial if offence u/s 109 BNS is made out rather at best at this stage it can be ascertained subject to investigation and trial that the offence is u/s 110 BNS "Attempt to commit culpable homicide" punishable upto 7 years, is made out. The false implication is further fortified from the fact that date of occurrence is 21.07.2024 whereas the FIR was lodged on 27.07.2024 after a delay of 6 days. It is then submitted that it is an admitted case that there were other eye witnesses also, however no statement of eye witness was obtained by police in 6 days. Even the relative of the injured reached on the spot despite that no statement was recorded and recording of statement after 6 days of occurrence clearly reflects exaggerated version by victim. The petitioner's counsel further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply. Complainant counsel also opposes the bail and submits that the petitioner is main accused who caused injury on vital part of body i.e. head, which is dangerous to life and petitioner is specifically named in FIR and specific role is attributed upon him, who caused fracture on the skull/head corroborated with the medical evidence (Annexure R-2 of reply of the State) of the complainant resulting which he underwent around 6 days hospitalization & one surgery as on today and got around 32 stiches and he will be on medication for three years.

6. The main injury has been attributed to the petitioner and petitioner's conduct in slapping shows not only hooliganism but of prima facie criminal mentality and he acted with cruelty causing injury on the skull which lead to fracture. Given the fact that petitioner is 20 years of age and being a meritorious student, does not mean that petitioner has a right to behave with cruelty by breaking skulls.

7. A perusal of the bail petition and the documents attached primafacie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.



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8. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

9. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)  
JUDGE

14.01.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.