

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

2025:PHHC:067106



(255)

CRM-M-2848-2025

Date of Decision: 19.05.2025

Abhay

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Mayur Karkra, Advocate for petitioner.

Mr. Sahil Chaudhary, AAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

1. The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.140, dated 18.08.2024, under Sections 109(1), 304(2), 62, 3(5), 126(2), 118(1), 351(1), 351(2) of BNS, registered at Police Station, Civil Lines, District Patiala.

2. Learned counsel for the petitioner submits that petitioner has clean antecedents and has been in custody since 19.08.2024. It has been asserted by the counsel that it is a case of false implication and even otherwise there are no allegations against the petitioner of having inflicted any injury on the person of the complainant much less any injury which was dangerous to life attracting the mischief of Section 109 of the BNSS and rather the only injury attributed to the petitioner is a simple injury. It has been further submitted that a perusal of the FIR reveals that the petitioner

was unarmed and had attempted to snatch the mobile handset of the complainant.

3. On being pointedly asked as to the stage of trial, it has been submitted that investigation is complete and charges stand framed, however, none of the prosecution witnesses has been examined.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the custody period of the petitioner nor has he disputed the factual aspect of the role attributed to the petitioner.

5. On being pointedly asked, learned State counsel submits that it was co-accused Jashan, who had been attributed the knife injury on the arm of the injured and other than that no other grievous injury has been caused to the complainant.

6. I have heard learned counsel for the parties and examined the material on record including the FIR, which stands annexed as Annexure P-1 and has been reproduced herein under:-

“I state that I am a resident of the above address, and I work as a private delivery person for Zomatoxxxx Company. On 17-08-2024, around 11:54 PM, I had completed a delivery at house number 84/B-2, Model Town, Patiala on my scooter bearing No. PB11DD4477, and was returning when I was intercepted by a motorcycle number PB11DG9626, make Sign, color black, with three unidentified persons. They attempted to block my way a couple of times. When I sped up to get away, the motorcycle riders suddenly cut in front of me near Charms Showroom Cut, causing me to stop abruptly. They then physically attacked me and started trying to take my mobile phone from my pocket. When I resisted, they began beating me and repeatedly tried to steal my mobile. When I refused to give it to them, one of the attackers took out a knife

from his pouch and attacked me with it, stabbing me on my left lower arm, causing a deep wound, and I started bleeding. I fell to the ground, and the three attackers continued to assault me while I was lying on the ground. I screamed for help, and then two Zomato Drivers who were delivering goods in Thappar University area, came to my aid and scared off the attackers. The three assailants then threatened to kill me and fled on their motorcycle (PB11DG9626) towards Patiala side, leaving me injured. My friends, Tammanpreet Singh and Vikramjeet Singh, later took me to Rajindra Hospital, Patiala, for treatment. After further investigation, I discovered that the attackers were from village WadiRhoni, Nabha Road, Patiala, and their identities were: Vikram Singh, son of Prem Singh, who was riding the motorcycle; Jashanpreet Singh, son of Paramjit Singh, who was sitting in the middle and attacked me with the knife; and Abhay son of Ravinder Kumar, Resident of Wadi Rahoni, who was sitting behind the other two and was involved in the, assault. Legal action is requested against these individuals.”

7. The petitioner is not attributed any injury and the only role attributed to him is of having attempted to snatch the mobile handset of the complainant. The trial is unlikely to conclude in the near future as none of the 24 prosecution witnesses has been examined till date.

8. In the light of the facts enumerated herein above, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

19.05.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No