



CRM-M-3393-2025

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214 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-3393-2025

Date of decision: 14.05.2025

ABHISHEK KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Mayank Mathur, Advocate for the petitioner.

Mr. Akshay Kumar, Asst. AG, Punjab.

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ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
76	17.04.2022	Tripuri, Patiala	341/308/323/379-B/148/149 IPC

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. Per paragraph 16 of the bail application and para 10 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	185	31.08.2022	363/366 of IPC	Civil Lines, District Patiala

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"xxx xxx xxx xxx

2. That the brief facts of the present case/FIR No.76/2022 (supra) are that on 14.04.2022, a telephonic call was received from Rajindra Hospital, Patiala that Harjinder Singh was admitted in the hospital due to the injuries suffered in a scuffle. Subsequently, on contact with Harjinder Singh's father, he informed that Harjinder Singh had been referred to PGI Chandigarh from Rajindra Hospital and accordingly, they were taking him to PGI Chandigarh. Thereafter, on 15.04.2022, a telephonic call from PGI Chandigarh was received that Harjinder Singh was admitted in the hospital due to injuries suffered in a scuffle. Upon the receipt of information, ASI Charan Singh alongwith the police party reached at PGI Chandigarh and after obtaining fitness of the injured Harjinder Singh (complainant) recorded his statement to the



*effect that on 14.04.2022, he was going from his house to Tripuri market for household work on his motorcycle bearing registration No. PB-03-AY-3092 and when he reached near Street No. 29, Anand Nagar B at about 4 PM, he saw owner of readymade clothing shop, Dhindsa, RajaBalwan, Bobby, hair-cutting salon boy (present petitioner) who has a shop near Dhindsa's shop, Maninder Ablowal, Raman Boxer alongwith 3-4 boys standing on the road. They were armed with iron rods and sticks. Thereafter, they surrounded the complainant, grabbed him by the collar and pulled him off the motorcycle. They started abusing the complainant and when the complainant objected, Dhindsa gave iron rod blow on the left side of his head. Then Raja Balwan gave stick blow on the right side of his head. The hair-cutting salon boy (petitioner) punched the complainant in his right eye. Bobby gave stick blow on his head but when he raised his hands to protect himself, the same got hit on his left wrist. Maninder Ablowal gave stick blow towards his head but when he turned back to save himself, the same got hit on his left shoulder. Then Raman Boxer gave stick blow on the left side of his back, due to which, the complainant fell on the ground. While complainant on lying on the ground, Maninder Ablowal gave stick blow on the left side of his ribs and then Dhindsa snatched gold chain weighing 1.5 tolas approx. from his neck. One of the said assailants gave a bite from behind on the right shoulder of the complainant and thereafter, all the assailants gave punch and kick blows on the person of complainant when he was lying on the ground. Upon raising hues and cry, the passers-by started gathering, due to which, the said persons fled away from the spot on the motorcycles alongwith their weapons. The complainant further stated that reason for enmity was that about two hours earlier, he had a minor argument with Dhindsa over the phone, due to which, he attacked him."*

2. The petitioner counsel prays for bail by imposing any stringent conditions including surrender for fire arms, if any. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
3. The State's counsel opposes bail and refers to the reply.
4. It would be appropriate to refer to the following portions of the reply, which read as follows:

"xxx

xxx

xxx

xxx

7. *ROLE OF THE PETITIONER: That petitioner was member of*



*unlawful assembly which caused injuries to the complainant Harjinder Singh. As per the statement of complainant, the petitioner punched him in his right eye."*

REASONING:

5. Allegations against the petitioner are that he punched the eye of the victim, except that nothing has come out from the reply. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

6. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

7. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

8. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

9. This order is subject to the petitioner's complying with the following terms.

10. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.



11. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

**12. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

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

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

14.05.2025  
*renubala*

**(ANOOP CHITKARA)**  
**JUDGE**

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