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

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CRM-M-35625-2025  
Decided on:09.07.2025

Rajat

...Petitioner

Versus

State of Haryana

...Respondent

**Coram :** Hon'ble Mr. Justice Rajesh Bhardwaj

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

Ms. Maniee, Advocate, for  
Mr. Lalit Yadav, Advocate, for the complainant.

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**Rajesh Bhardwaj, J.**

1. Prayer in the present petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner in case FIR No.161 dated 24.04.2025, registered under Sections 351(3), 324(4), 304, 191(3), 190, 117(2), 115, 109(1) of the BNS, 2023, at Police Station Narnaul, District Mahendergarh.
2. Succinctly, the facts of the present case are that the FIR in question was lodged on the basis of the statement of Manoj Kumar, in which it was alleged that his marriage was fixed on 16.01.2025 and on 14.01.2025, a programme was going on. Kamal, along with 7-8 boys, came to the said programme on 14.01.2025 and with the intention to create trouble in the said programme; they deliberately quarrelled with him and abused him and his family members. Thereafter, on 16.04.2025, after having dinner, when he was returning home alongwith his friends, namely, Nitin, Sandeep and Gajraj, on the way, all the accused persons, who were armed with iron rods, iron pipes, motorcycle chains etc. waylaid and attacked them. Rajat hit him on his head with an iron rod and gave another blow of the same on his right leg. The other boys also gave

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blows from their respective weapons and caused serious and grievous injuries to him. Thereafter, on hearing hue and cry, his friends and some passersby gathered there and on seeing them all, the accused left the place of occurrence with their respective weapons and motorcycles. His friend Nitin brought a vehicle from the village and shifted him to Civil Hospital, Narnaul, in a serious condition. The request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the learned Additional Sessions Judge, Narnaul, for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 13.05.2025. Hence, aggrieved against the said order, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submitted that the occurrence has allegedly taken place on 16.04.2025, whereas the FIR has been lodged after a delay of 8 days, i.e. on 24.04.2025. It is submitted that without seeking any opinion from the doctor, the offence under Section 109(1) of the BNS, 2023 has been added. He further submitted that there is no motive with the petitioner to beat the complainant and, thus, his false implication is writ large. He further submitted that no *prima facie* case, as alleged, is made out against the petitioner and, thus, he deserves concession of anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State and has vehemently opposed the bail application. He has submitted that the petitioner has been specifically named in the FIR and his role has also been explained in detail as he was armed with an iron rod and gave blows thereof on the head and right leg of the complainant. It is also submitted that the petitioner has criminal antecedents

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and as per his instructions from SI Sajjan Kumar, he is involved in FIR No.297 dated 08.10.2023, registered under Sections 148, 149, 452, 506, 201, 427 IPC, at Police Station Ateli, District Mahendergarh and FIR No.228 dated 08.06.2025, registered under Sections 287, 351(3), 190, 191(3) of the BNS, 2023, at Police Station City Narnaul, District Mahendergarh. He submitted that *prima facie* case is made out against the petitioner as per the investigation conducted so far and hence, prays for dismissal of the present petition as the investigation is still at threshold and grant of anticipatory bail to the petitioner would adversely affect the ongoing investigation.

6. Learned counsel appearing on behalf of the complainant also argued on the same lines and submitted that the petitioner has committed the offence in a pre-planned manner.

7. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the petitioner has been specifically named in the FIR and he has been allegedly armed with an iron rod and gave blows to the complainant and as per the MLR, the attack by the petitioner and his accomplices on the complainant resulted into following injuries:-

1. *Multiple lacerated wound with irregular margins of varying sizes measures approx 4x2 to 1x1 cm seen on bilateral lower limbs, more so on bilateral legs (anterior aspect) and foot. Active bleeding present. Associated with swelling and limb deformity. Adv. Ortho opinion.*
2. *Multiple bruises of varying size of 5x2.5 cm to 2x2 cm seen in bilateral thighs and forearms. Associated with swelling. Adv. Ortho opinion.*
3. *Multiple lacerated wound of varying size ranges from 1x1 cm to 2x1.5 cm seen over the right hand. Adv. Ortho opinion/surgeon opinion.*

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4. *Multiple lacerated wound with irregular margins range from atleast size 4x1 cm to 3x1 cm seen over the parietal region. Adv. Surgeon/Neurosurgeon opinion.*
5. *Multiple abrasions measuring size 1x1 cm seen over right side of abdomen and lower pach. Adv. Surgeon opinion.*

The petitioner is also having criminal antecedents being involved in two other criminal cases. Since the investigation is at threshold, therefore, the contentions raised by the learned counsel for the petitioner cannot be appreciated at this stage where he has approached this Court for the grant of concession of anticipatory bail. However, the same could be appreciated at the relevant stage.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

***“482. Direction for grant of bail to person apprehending arrest:***

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including*
  - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
  - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*

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- (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) *such other condition as may be imposed under subsection (3) of section 480, as if the bail were granted under that section.”*

9. Hon'ble Supreme Court in State represented by **CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under Section 438 if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

10. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, has time and again reiterated that while considering the anticipatory bail, the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

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11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner do not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the present petition, being devoid of any merit, is hereby dismissed.

13. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

**July 09, 2025**  
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**(Rajesh Bhardwaj)**  
**Judge**

Whether Speaking/Reasoned: NO/YES

Whether Reportable: NO/YES