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

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**CRM-M No.47345 of 2025  
Date of decision: 03.09.2025**

Mohit Kumar @ Neeraj

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Akhil Ahuja, Advocate,  
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab,  
for the respondent-State.

Mr. Chetan Kapoor, Advocate,  
for the complainant.

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**MANISHA BATRA, J. (Oral)**

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in the FIR mentioned below:-

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
71	06.07.2025	Sadar Rajpura, District Patiala	333 and 115(2) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") (117(2) and 118(2) of BNS added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the

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basis of statement recorded by the complainant Dev Raj alleging that on 04.07.2025, he was getting ready to go to his grocery shop from his house when the petitioner reached there. He was holding a mouse trap. He started complaining to the complainant that he had not given his mouse trap to him. Then a verbal altercation had taken place between them. The petitioner was in an inebriated condition. He took out a danda from his house and opened an assault with the same by causing blows with the said danda on his head. Blood started oozing out from his head. He raised alarm on hearing which his family members and other persons reached there and then the petitioner fled away along with the danda. The victim was admitted to hospital. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 25.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of two days in lodging of the FIR. Infact, it was the complainant who was the aggressor and had hit his wife. When the petitioner had intercepted, the complainant had even become more aggressive and had a scuffle with the wife of the petitioner and himself. The complainant sustained injuries when the petitioner was trying to protect his wife. His wife was also medically

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examined. She had even filed a representation but no action had been taken by the police. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. The subject offences are triable by Magistrate. It is, therefore, urged that the petition deserves to be allowed.

4. Notice of motion.

5. Ms. Ramta Chowdhary, DAG, Punjab has advance notice of the petition and is ready to argue the matter. At this stage, Vakalatnama on behalf of the complainant has also been filed. Learned counsel for the complainant has placed on record certain photographs showing him to be in injured condition. It is argued by Deputy Advocate General, Punjab assisted by learned counsel for the complainant that there are serious allegations against the petitioner who had caused several injuries with danda on the head of the complainant. These injuries which were on the fronto temporal region and parietal region and have been declared to be grievous in nature. The same have been specifically attributed to the petitioner. The custodial interrogation of the petitioner is required for conducting thorough investigation. Keeping in view the nature of the allegations, no extraordinary and exceptional circumstance for grant of pre arrest bail is made out in his favour. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

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7. The petitioner is alleged to have criminally trespassed into the house of the complainant and then inflicted simple as well as grievous injuries on his person. The photographs placed on record shows that he had sustained several injuries on his head. There are deep cuts on parietal region. The allegations against him are quite serious. Though he has placed on record copies of MLRs of his wife and one representation to show that his wife had also sustained injuries in the same occurrence but a perusal of MLR reveals that there was no external injury on the person of the wife of the petitioner and she had simply made complaint of pain on back region and left upper limb. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. In the present case, no exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove

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shall not be construed as an expression of opinion on the merits of the case.

**03.09.2025**

manju

**(MANISHA BATRA)**

**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No