

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27215-2025
Reserved on: 09.07.2025
Pronounced on: 22.07.2025

Abhimanyu @ Mitanshu Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nirmaljeet Singh Sidhu, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
61	11.04.2025	Khana City-2, Police District Khanna, District Ludhiana, Punjab	118(1), 352(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 22 of the bail petition, the accused declares that he has no criminal antecedents.

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

"3. That it is most humbly submitted that the brief facts of the case are that FIR No.61 dated 11.04.2025 U/S 118 (1), 352 (2), 3 (5) of BNS 2023, P.S. City-2 Khanna has been registered against the petitioner on the statement of Jatinder Kumar son of Bhuleshwar Shah, resident of Gali No.3, Ward No.26, Mohalla Dharmapura, Backside of Khalsa Retrol pump Khanna, Police Station city 2 Khanna District Ludhiana, who recorded his statement to the investigating officer on 11.04.2025 that, "I am resident of above said address and I am working as a labourer. Yesterday on dated 10.04.2025 at about 8:30 PM, I was going to purchase grocery on a grocery store, then on the way I met with Suraj, Abhimanyu sons of Guddu Mandal, residents of Mohalla Dharampura, Gali No. 2, Ward No. 38, House No. 93, Khanna and told me that you are called by our friend Guddu Mandal then I was going on foot with them when I reached near the turn of street where Guddu Maridal reached on the spot and he demanded ₹600 from me. I replied him that I will pay your money in the morning. Then he said pay my money right now. Then I get the money from my wife Sonam Devi and paid him. Then Guddu Mandal demanded me to

pay one hundred rupees extra. I told him that I will not pay you extra money. Then Guddu Mandal son of Dhaneshwar Mandal started slapping me and his son Abhimanyu gave a 'kara' blow wearing in his hand on my head and Suraj given fist blow, Anil son Dhaneshwar Mandal again given fist blow and I fell down. They beaten me while I was on the ground and I raise alarm Marta Marta after hearing my noise people gather there, then my uncle Rajeshwar Shah saved me from their clutches, then all persons given threats to kill me and ran away from the spot. Rajeshwar Shah arranged a vehicle and got admitted me in civil Hospital Khanna, where I am under treatment statement recorded, heard it on correct action be taken." As such the above said FIR has been registered against (1) Suraj son of Guddu Mandal, (2) Abhimanyu (hereinafter called the petitioner) son of Guddu Mandal, (3) Guddu Mandal son of Dhaneshwar Mandal and (4) Anil son of Dhaneshwar Mandal. The motive behind this incident is that the complainant Jatinder Kumar had to repay an amount of Rs. 600/- to Guddu Mandal which he had taken from Guddu Mandal."

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any and in case, petitioner repeats the offence, where the sentence prescribes 07 years or more, he has no objection if the State files an application for cancellation of bail in the present FIR. He contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which reads as follows:

"5. G. The evidence against the petitioner :-

That as per medico-legal report (MLR) no.36/AK/2025/Khanna dated 10.04.2025, the victim/complainant suffered four injuries and those all four injuries on the person of the complainant being sharp edged in nature stands attributed to the petitioner, who was armed with 'Kara' at the time of above said incident.

H. The role of the petitioner :-

That as per the investigation till date, the petitioner in connivance with each other waylaid the complainant on 10.04.2025 armed with iron 'Kara', struck the complainant on his head. All the accused including petitioner beat the complainant in connivance with each other."

REASONING:

7. Perusal of the status report shows that there is no serious hurt, as such, no ground for custodial interrogation is made out. 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.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, nature of injuries and the other factors peculiar to

this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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.

9. 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.

10. 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)	

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

12. 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.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. 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.

15. **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.**

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

17. 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.

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

**(ANOOP CHITKARA)
JUDGE**

**22.07.2025
Jyoti-II**

Whether speaking/reasoned: Yes
Whether reportable: No.