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

**CRM-M-55547-2024
Reserved on: 15.01.2025
Pronounced on: 30.01.2025**

Rajesh Kumar ...Petitioner

Versus

State of Punjab …Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Kapil Khanna, Advocate,
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

Mr. Fariad Singh Virk, Advocate
for the complainant.

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**ANOOP CHITKARA, J.**

| FIR No. | Dated | Police Station | Sections |
|---|---|---|---|
| 80 | 30.06.2024 | Urban Estate, Patiala, Distt. Patiala | 364, 342, 323, 506, 120-B IPC and 25 of Arms Act |

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 13 of the bail petition, the accused declares that he has no criminal antecedents.

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

> *"2. That it is respectfully submitted that the present case/FIR No. 80 (supra) was registered pursuant to the statement dated 30.06.2024 of Rahul Sharma (complainant), stating therein that he was engaged in the occupation of plying E-Rickshaw. On 28.06.2024, at about 2 PM, when he going to his house, Eknoor son of Harjot Singh alias Harry hit his scooty on his E-Rickshaw by driving towards it. Subsequent thereto, they had an altercation with each other and thereafter, the colony residents sent them to their respective houses by persuading them. Then on 29.06.2024 at about 10:30 AM, as per his daily routine, he was present outside New Bus*

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*Stand on his E- Rickshaw waiting for passengers, Harjot Singh alias Harry alongwith 7-8 unknown persons came at the spot and started hurling abuses to him by saying that how dare he entered into altercation with his son Eknoor. Thereafter, Harjot Singh alias Harry alongwith his 7-8 accomplices gave beatings on his person and forcibly made the complainant sit in their white coloured car. When the complainant started raising alarm, then Harjot Singh alias Harry took out the pistol and pointed it on the forehead of complainant and threatened that he would fire arm shot if he (complainant) would raise any alarm. Then Harjot Singh alias Harry tied a piece of cloth on the eyes of complainant by making him sit in their legs and then drove the car and all the abovesaid persons started giving beatings on his person. On the way, after about a period of 1 hour, the aforementioned persons untied cloth from the eyes of complainant and Harjot Singh alias Harry made a video call to one Vishal alias Mithe Chol and said that they had kidnapped Rahul (complainant), upon which, Vishal alias Mithe Chol said that he should not be left unhurt that day.*

*Thereafter, the aforementioned persons again gave him beatings and said that he should not be left alive on that day. Thereafter, Harjot Singh alias Harry attacked on the head of complainant and his accomplices have a number of blows on his body and chest, due to which, complainant became unconscious. Then Harjot Singh alias Harry alongwith his accomplices threw the complainant on the passage in injured and unconscious condition and after that he was admitted in AIIMS Bilaspur (Himachal Pradesh) with the help of passers-by. Hence, present case/FIR was registered against the aforementioned Harjot Singh alias Harry, Vishal alias Mithe Chol and 7-8 unknown persons.*

*3. That during the course of investigation, complainant came present before the investigating officer on 03.07.2024 and recorded his supplementary statement to the effect that he was thrown in the unconscious condition by the accused persons above Ropar in Himachal and the passers-by and local police helped him and admitted him in AIIMS Hospital, Bilaspur. The complainant further stated that he had come to know that Harjot Singh alias Harry had used his car in the offence, which was Ertiga bearing registration no. PB-11-DE-8837 and the unknown accomplices were Mohit, Munish Kumar, Billa, Karan, Rohit, Saurav and Rohan (present petitioner). Accordingly, the aforementioned persons were arrayed as accused in the present case/FIR."*

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4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further 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 reply. Counsel for the complainant also opposes the bail.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

> *“8. That it is respectfully submitted that the complainant also identified the petitioner in the video (Annexure R-1) and the petitioner was the same person, who was giving slap blows to the complainant.*
> *10. ROLE OF PETITIONER: That the petitioner alongwith his accomplices gave beatings on the person of complainant, then kidnapped him from New Bus Stand Patiala and threw him in the area of Himachal ahead of Ropar in unconscious condition.”*
> *11. EVIDENCE AGAINST PETITIONER:- That from the perusal of video (Annexure R-1), it is clearly evident that the petitioner is accompanying the other co-accused and he is clearly seen giving slap blows on the person of the complainant.”*

7. Perusal of the petition indicates that the complainant had borrowed money from co-accused of petitioner which was not returned by the complainant despite several requests. On 28.06.2024, the said accused’s son hit the complainant on his e-rickshaw with a scooter which resulted in an altercation between them. The following day, accused Harjot Singh @ Harry along with the other accused including petitioner individuals, allegedly confronted and physically assaulted the complainant. Said Harjot Singh @ Harry was in possession of a pistol, which he used to threaten the complainant, compelling him to enter his white car and preventing him from raising an alarm.

8. The main allegation against the petitioner is that he physically assaulted the complainant and hurled abuses against him.

9. State counsel has drawn the attention of this Court to a video recording which was recorded by the accused themselves probably with a view to extorting money. The footage shows the complainant already injured while being assaulted, suggesting that he had already been subjected to cruelty and mistreatment. As per the video recording, one individual is seen driving the car.

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Additionally, the video depicts the Petitioner aggressively abusing and mercilessly beating the complainant, who visibly appeared to be injured with several bruises. All of them were involved as they had a common intention to threaten the complainant, but he is the person was actively hurling abuse and mercilessly beating the complainant. One other accused was recording the entire incident in the car. The reply of the state specifies that the petitioner was the one who was physically assaulting the complainant in the video.

10. The depiction of cruelty in the video, coupled with the doctor's statement which notes six blunt-force bruises on the complainant, clearly indicates that he was subjected to mistreatment. Furthermore, the video captures the accused individuals, especially the petitioner, not only committing the assault but also displaying a sense of pride in their actions as they were recording the incident, posing before the camera and boasting while repeatedly attacking the injured complainant which indicates no sense of remorse. The petitioner was also continuously hurling abuses at the complainant. This further indicates their cruel intent to harm the complainant who appeared to be defenseless. Additionally, the State's reply states that the complainant was abandoned in an unconscious state on a passage, from where passers-by took him to AIIMS Bilaspur, which only adds on to the inhumane treatment of the complainant.

11. Cruelty, in any form, erodes the moral fabric of society and is a threat to the principles of humanity and justice. When cruelty is normalized or left unchecked, it sends a wrong message to society as it emboldens individuals to exploit and harm others without facing any consequences. Cruelty furthermore violates the inherent dignity and rights of individuals that are constitutionally protected. The deterrence of such cruel and inhumane behavior is crucial to preserve basic rights of individuals and create awareness amongst society.

12. There is sufficient prima facie evidence connecting the petitioner with the crime, his involvement, and his complete knowledge; thus, he is not entitled to bail.

13. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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

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15. **Petition dismissed**. Interim orders are recalled with immediate effect. All pending applications, if there are any, are disposed of.

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

**30.01.2025**
**Jyoti-II**

Whether speaking/reasoned: Yes
Whether reportable: No.

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