



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

**CRM-M-48327-2024(O&M)**  
**Date of Decision : 26.09.2024**

**PAWAN KUMAR ALIAS PAWAN PARAJAPATI** .....Petitioner

***VERSUS***

**STATE OF PUNJAB** .....Respondent

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Vinod K. Kaushal, Advocate,  
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

**KULDEEP TIWARI, J.(Oral)**

1. Through the instant petition, prayer is made for grant of 'pre-arrest bail' to the petitioner in case FIR no.148, dated 11.08.2024 (Annexure P-1), under Sections 109 and 3(5) of the BNS, 2023, registered at Police Station Gate Hakima, District Police Commissionerate Amritsar, Amritsar.

2. In asking for the relief of pre-arrest bail, learned counsel for the petitioner submits that the injury which has been suffered by the complainant/injury is not on his vital part, therefore, the offence under Section 109 of BNS, 2023, is not made out.

3. He further submits that the co-accused of the present petitioner has already been granted the relief of interim anticipatory bail,

by this Court vide order dated 18.08.2024, in CRM-M-46286-2024, and he may also be granted the same relief, on the same ground.

4. This Court has considered the submissions made by learned counsel for the petitioner, and does not find any substance therein.

5. The instant FIR has been registered on the statement of Vishal Babbar, wherein, he specifically alleged that the petitioner after coming to his office asked him to give Rs.2.00 lakhs, or to vacate the office. The petitioner abused and also manhandled the complainant. The complainant also made a call at an helpline no.112, and started waiting for the police to come. When he was looking for the police through the window, immediately the petitioner pushed the complainant, and thrown him on the ground by holding his legs. The complainant fell down from the height of 25-27 feet, due to which he suffered a fracture on his thigh.

6. The act of the present petitioner, *prima facie*, falls within the ambit of an offence under Section 109 of the BNS, 2023. The petitioner cannot hide behind the fact that the injury suffered by the complainant is not on his vital part, to submit that no offence under Section 109 is made out. It is the intention which is *prima facie* to be seen, and, the act subsequent thereto. Even otherwise, the complainant has suffered a fracture on his thigh because of the act of the present petitioner, therefore, there is no extraordinary ground made out to grant of relief of pre-arrest bail to the present petitioner.

7. So far as the reliance which has been placed by learned counsel for the petitioner to the order (*supra*), is totally misplaced. There is no parity in the case of present petitioner and the case of the petitioner

therein. The only allegation attributed to the co-accused is that he was present with the petitioner and except that no other role is attributed to him.

8

In view of the above, the instant petition, is hereby, **dismissed.**

9.

All pending applications, if any, also stand **disposed** of accordingly.

September 26, 2024

*dharamvir*

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

:

Yes/No