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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M No.5901 of 2025  
Date of decision: 24.02.2025

Vishal Kumar alias Vishal Pandey ... Petitioner  
  
Vs.  
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kanwar Abhay Singh, Advocate,  
for the petitioner.  
  
Ms. Ruchika Sabherwal, Sr. DAG, Punjab,  
for the respondent-State.

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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:-

| FIR No. | Dated      | Police Station                                        | Sections                                                                                                                          |
|---------|------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 219     | 14.12.2024 | Focal Point, District Police Commissionerate Ludhiana | 333, 115 (2), 324 (4), 3 (5) and 351 (2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 117 (2) of BNS added later on |

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis of statement recorded by the complainant Harish Chand Pandey alleging

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that on 12.12.2024, he along with his son Lovekush and relatives Rakesh, Aniket and Rajan was present in the office of his godown when the petitioner along with co-accused Vijay came outside the office in a car. Both of them were armed with weapons. Since the main gate of the office was closed, the petitioner made an extortion and then by breaking the glass of the main gate, opened the same and criminal trespassed therein. He sent Rakesh, Aniket and Rajan out of the office and then the petitioner struck a blow with sword upon the complainant with an intention to kill him. The blow hit his left arm. The petitioner again struck blows with sword upon his son and with iron rod upon his head. They raised clamour and thereafter the petitioner and co-accused fled away extending threats to kill them. The motive as attributed to the petitioner who is nephew of the complainant was that he had been instigated by Balak Ram elder brother of the complainant against the latter to do so. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 08.01.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the complainant and his family members are aggressor of the occurrence as they had given

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merciless beatings to the petitioner out of personal vengeance and on account of family feud between them. The petitioner himself is the victim since he sustained injuries with sharp edged weapon on his person in the occurrence and 13 stiches have been given on these injuries. Only two injuries have been sustained by the complainant which are lacerated wound and a reddish abrasion and falsify the allegation that several injuries were sustained by the complainant. The grievous injury as sustained by the complainant was on non vital part. He is ready to join the investigation. His custodial interrogation is not required. No useful purpose would be served by way of his detention. Therefore, it is urged that he deserves to be given benefit of pre arrest bail.

4. Status report has been filed. It is submitted therein and learned Senior Deputy Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner who along with the co-accused criminally trespassed into the property of the complainant and caused simple as well as grievous injuries to him and extended threats to him. It is, therefore, argued that the petitioner does not deserve to be extended benefit of pre arrest bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. As per the allegations, the petitioner along with the co-accused had voluntarily caused simple as well as grievous injuries to the

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complainant by entering into his office on the fateful day. As per the medico legal report, two injuries have been sustained by the complainant. The petitioner is also claiming that he too sustaining injuries at the hands of the complainant and it is a case of version and cross version. All the offences for which he has been booked are bailable in nature except offence under Section 333 of BNS. Keeping in view the nature of the allegations as levelled against the petitioner, I am of the considered opinion that his pre trial incarceration is not required. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail in the event of his arrest, on the following conditions:-

- (i) He shall furnish requisite personal/surety bonds to the satisfaction of the Arresting officer/investigating officer by appearing before him within a period of ten days;
- (ii) He shall appear before the Investigating Officer as and when called subsequently and submit all documents and details as may be called upon by him.
- (iii) He shall not tamper with the evidence or cause any threat or to any of the prosecution witnesses in any manner.
- (iv) In the event of violation of any of the abovesaid terms, his bail shall stand automatically cancelled.

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- (v) He shall not leave the country without prior permission of the trial Court.
- (vi) He shall regularly appear before the Court on every date of hearing and also and when called upon to do so during the course of trial.

7. It is further clarified that the observations made above are only for the purpose of consideration of application for anticipatory bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

24.02.2025  
manju

(MANISHA BATRA)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |