



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7131-2025

Date of Decision:17.03.2025

ROMINS @ ROMY
STATE OF PUNJAB

Vs.

...Petitioner
...Respondent

CORAM:- HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Chandan Singh Rana, Advocate for the petitioner.
Mr. Gurpartap Singh Bhullar, AAG, Punjab.

ANOOP CHITKARA, J. (Oral)

Anticipatory bail under section 482 BNSS			
FIR No.	Dated	Police Station	Sections
70	19.06.2024	Sarabha Nagar, Ludhiana	458, 323, 324, 148, 149 506 IPC

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. As per paragraph no. 7 of the bail application and paragraph no. 5 of reply, the accused has the following criminal antecedents:

FIR No.	Dated	Under Sections	Police Station	Status
24	30.03.2014	392, 395 IPC	Punjab Agriculture University, Ludhiana	RI for 05 years and fine of Rs.5,000/-
78	27.07.2024	323, 324, 34 IPC	Punjab Agriculture University, Ludhiana	Convicted
95	30.08.2014	279, 337, 338 and 427 IPC	Punjab Agriculture University, Ludhiana	Convicted
158	26.07.2014	382 and 34 IPC	Salem Tabri, Ludhiana	Trial pending



37	06.02.2022	25 & 27 of Arms Act and 336, 148 and 149 IPC	Haibowal, Ludhiana	Trial pending
149	30.06.2022	21 NDPS Act	Haibowal, Ludhiana	Trial pending
62	01.07.2024	382 and 34 IPC	Division No.8, Ludhiana	Trial pending
143	11.09.2019	52-A of Prison Act	City Sangrur	Convicted
56	09.03.2018	21 & 25 of NDPS Act	Sadar Khanna	RI for 10 years and fine of Rs. 1 lacs.

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

“That in compliance to the above noted order of this Hon'ble Court, it is respectfully submitted that complainant-Murli Jaiswal had made a statement with the police in which he stated that he works as Manager in Skyhigh Hotel since last 4 years and the owner of this hotel is AmitKakkar who has another hotel namely Koji Inn and its working are also looked after by the complainant.

It was further alleged that on 11.06.2024 the said Amit Kakkar and Harish Kakkar were taking Dinner in Room No.101 of the Hotel, then at about 11.15 p.m Gaurav Tiwari alongwith the present petitioner, Jagjeet Singh, Navjot Singh, Varinder Singh, Prince alongwith two unknown persons, armed with sharp edged weapons, came in the said room no.101 of the hotel and started arguments with owner Amit Kakkar. Gaurav Tiwari took out iron Daat from his fold and hit its blows at the left arm of Amit Kakkar. The present petitioner removed his thick/big iron Kara from his hand and hit its blows at the legs and arms of Amit Kakkar. The other persons picked up glass bottles and tables/chairs from the room and hit the same and caused beatings to Amit Kakkar. The complainant and Harsh Kakkar tried to stop them on which the said persons attacked the complainant and caused beatings to him and while beating, brought out the complainant from the room to the lobby of the hotel. When the complainant and others raised alarm, then the said persons ran away from the hotel with their



weapons. Thereafter the complainant and Amit Kakkar got conducted their medical examination from Civil Hospital, Ludhiana. It was further alleged that even thereafter the said persons were threatening the complainant and others to kill them and their family members and due to their fear, the complainant could not earlier come to report the matter to the police. It was further alleged that with the said beatings, Amit Kakkar has been mentally distorted.

In the MLR of AmitKakkar, the doctor has documented total five injuries i.e. (i) Incised wound on left arm; (ii) Swelling on left forearm; (iii) Lacerated on right leg anteriorly; (iv) Contusion on mid back region crossing midline; and Swelling on right side parietal aspect of skull. (v) Injury on left arm has been caused with sharp edged weapon and the remaining injuries are with blunt weapons. Thereafter opinion regarding the head injury of AmitKakkar was obtained from the doctor who opined that the same is not dangerous to life and the same is simple in nature.

Similarly in the MLR of the complainant, the doctor has documented on total four injuries i.e. (i) Lacerated wound on left parietal aspect of skull; (ii) Abrasion on left shoulder posteriorly; (iii) Contusion on right flank; and (iv) Abrasion on lower lip along with left side. All the Injuries have been caused with blunt weapons.

Accordingly FIR No.70 dated 19.09.2024, u/s 458,323,324,148,149,506 IPC, P.S. Sarabha Nagar, Ludhiana (Annexure P-1) has been registered against the petitioner and his co-accused GauravTiwari, Jagjit Singh, Navjot Singh, Varinder Singh, Prince and two unknown persons.

4. That statement u/s 161 Cr.P.C. of injured/eye was Amit Kakkar also recorded corroborated the entire occurrence.

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that in compliance of the order dated 06.02.2025, petitioner joined the investigation.



5 The State's counsel opposes bail and refers to the reply, and submits that weapons of offence i.e. hefty *kara* is yet to be recovered.

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

5. *That there are direct and specific allegations in the FIR that the present petitioner removed his thick/big iron kara from his hand and hit its blows at the legs and arms of Amit Kakkar. In the FIR as well as in the statement under Section 161 Cr.P.C. Of injured/eye witness Amit Kakkar specific allegations have been levelled against the petitioner as mentioned above.*

8. *That it is further submitted that on the statement of co-accused of the present petitioner namely Navjot Singh, DDR No. 16 dated 16.06.2024 has also been lodged in which the said Navjot Singh stated that Amit Kakkar had hit a glass bottle on his head. The said injury was simple having been caused with blunt force which constitute non-cognizable offences u/s 323, 506, 149 IPC and thus the said DDR No.16 has been lodged in this regard.*

REASONING

7. Petitioner already joined into investigation and made the compliance of order dated 06.02.2025 and has undertaken to follow the conditions, as such no ground is made out to deny bail to the petitioner. 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 and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the



pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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

17.03.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No