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

CRM-M-9955-2025

Date of decision: 21.03.2025

Vishal Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. A.K. Khunger, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 of BNSS, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.0074 dated 07.07.2024 under Sections 109/126(2)/115(2)/191(3)/190 of BNS (offence under Section 117(2) of BNS added subsequently) and Section 27/54/59 of Arms Act, registered at Police Station City-2, Abohar, District Fazilka (Annexure P-1).

On 20.02.2025, the following order was passed:-

'Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.74 dated 07.07.2024 under Sections 109, 126(2), 115(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), Section 117(2) of BNS (added later on) and Section 27/54/59 of Arms Act, registered at Police Station City-2, Abohar, District Fazilka.

Learned counsel for the petitioner, inter alia, contends that the petitioner is alleged to have given a simple injury with a baseball bat and the injury breaching the threshold of offence under Section 109 of BNS is not attributed to him. The complainant sworn an affidavit (Annexure P-2) stating that the petitioner has not participated in the alleged incident. Thus, it is proved that the petitioner has been nominated as accused in FIR (supra) due to some suspicion and he has not participated in the alleged incident.

Notice of motion.

Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State. Learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is involved in three more cases and he has not declared his antecedents while filing the present petition and has not approached this Court with clean hands. Further, the victim suffered 12 injuries in the alleged incident and out of total



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12 injuries, 03 injuries have been declared grievous. However, he could not controvert the fact that the petitioner is alleged to have given simple injuries on the left thigh and head of injured Pankaj with a baseball bat, which have been declared simple in nature.

Adjourned to 21.03.2025.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from ASI Vinod Kumar, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 20.02.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

21.03.2025

Neha

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