

2025:PHHC:077897



CRM-M-11639-2025 and one connected case
IN THE HIGH COURT OF PUNJAB AND HARYANA
211 AT CHANDIGARH

CRM-M-11639-2025
Decided on: 02.07.2025

Raj Kumar ...Petitioner(s)

Versus

State of Punjab and another ...Respondents

CRM-M-11651-2025

Raj Kumar ...Petitioner(s)

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Aditya Pratap Singh, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0002	04.02.2025	Nangal Bhoor, District Pathankot	115(2), 118(1), 126(2), 3(5) of BNS and Section 118(2) of BNS added later on

1. This order shall dispose of two petitions as mentioned above. For the sake of brevity facts have been taken from **CRM-M-11639-2025 titled as Raj Kumar vs. State of Punjab and another.**
2. Seeking cancellation of bail granted to the accused/respondent(s) No.2 in the FIR captioned above, the aggrieved person has come up before this Court under Section 483(3) of BNSS 2023.



CRM-M-11639-2025 and one connected case

3. Vide order dated 13.02.2025 (Annexure P-3), the trial court had granted bail to the accused/ respondent(s) No.2 on the grounds mentioned in the following paragraphs of the impugned order:

“As per allegations in the FIR, the key of the car was returned, when the people of the village were intervened. The police found that the allegations of snatching other things being suspicious. There are however 14 injuries on the person of complainant but only one injury on the left forearm is caused by sharp edged weapon. In the given facts and circumstances, that even the key of the car was returned and regarding remaining articles, the version of the complainant was found suspicious by the police, as such a case of pre-arrest bail is made out. This Court deems it fit to grant the concession of pre-arrest bail to the applicants/accused.

4. Petitioner’s counsel seeks cancellation of bail on the grounds that despite considering serious nature of allegations it was not justifiable for the Court to grant them bail and no reasoning was given, as such order is cryptic, perverse and illegal.

5. Counsel for the respondent(s)-accused submits that the bail may not be cancelled and this Court may impose any stringent conditions in addition to the conditions imposed by the trial Court. He further submits that petitioner never violated any condition as imposed by the trial Court.

6. I have heard counsel for the parties.

7. It shall be appropriate to refer to following portion of the reply dated 30.03.2025, filed by the concerned DySP, which reads as follows:-

“3. That FIR No. 2 dated 04.02.2025 U/s 115(2), 118(1), 118(2), 126(2), 3(5) of BNS, 2023 (offence punishable U/s 118(2) of BNS added later on vide DDR No. 23 dated 15.02.2025) was registered at Police Station Nangal Bhoor, District Pathankot on the basis of a statement given by complainant/petitioner namely Raj Kumar, wherein he stated that he does the work of purchasing sand and gravels from crushers and sell the same in nearby areas. On 31.01.2025 at about 11:30 PM, the complainant/petitioner was going to his house in his car bearing registration no. PB-09-J-6271 after finishing his work and when he had reached at Village Phulra, then Rocky (son of Subhash @ Bassi) and Sumeer, who were known to the complainant/petitioner, gave a signal to



CRM-M-11639-2025 and one connected case

the complainant/petitioner to stop and then they again gave a signal to complainant/petitioner to go. Accordingly, the complainant/petitioner continued his journey back to his house. However, after covering a distance of about 100-150 yards, Rocky and Sumeer stop their motorcycle in front of Complainant, he applied break of his car and opened half mirror of his car then Rocky took out the keys of complainant's car and then Rocky along with Sumeer gave verbal abuses to the complainant/petitioner. In the meantime, Rocky called respondent no. 2 i.e. Mangal Singh along with his brother-in-law Shubham and on reaching the spot, all four of them (Rocky, Sumeer, Shubham and Mangal Singh) started giving beatings complainant/petitioner. The to the complainant/petitioner further stated that Mangal Singh (respondent no. 2) gave a stick (Balli) blow upon back side of his right leg as a result of which he fell down and then, all the assailants them (Rocky, Sumeer, Shubham and Mangal Singh) gave blows upon the complainant/petitioner with sharp weapons. The assailants snatching of earrings, gold chain, Silver Karha, broke complainant's I-phone and took an amount of Rs. 27,500/- from his back right pocket. Upon raising alarm, people started gathering there and the assailants fled from the spot. Hence, instant case FIR was registered against Rocky, Sumeer, Shubham and Mangal Singh (Respondent No. 2). It is pertinent to mention herein that the allegations levelled by the complainant/petitioner with regard to snatching of money from his pocket and gold were found to be false.

4. That as per MLR of Complainant/Petitioner (Annexed with Petition as Annexure P/2), he had received 14 injuries in total-injureis No.1, 2, 9, 10, 11 were kept under observations whereas remaining injuries were declared to be simple in nature. Furthermore, injury No.1 was caused by sharp weapon whereas remaining injuries no.2 to 14 were caused by blunt weapon. That vide order dated 13.02.2025 passed by LD. Additional Sessions Court, Pathankot (Annexed with Petition as Annexure P/3), Mangal Singh (Respondent No. 2) was granted anticipatory bail for offences punishable U/s 115(2), 118(1), 126(2), 3(5) of BNS, 2023.”

8. It shall also be appropriate to refer to following portion of the reply, which reads as under:-

“ROLE OF RESPONDENT NO. 2 MANGAL SINGH:



CRM-M-11639-2025 and one connected case

8. That Mangal Singh (Respondent No. 2) has been specifically named in the FIR by the complainant/petitioner. Mangal Singh (Respondent No. 2) gave a stick (Balli) blow upon back side of his right leg as a result of which he fell down and then, all the assailants them (Rocky, Sumeer, Shubham and Mangal Singh) gave blows upon the complainant/petitioner with sharp weapons.”

9. Although it was a case on razor’s edge and the settled legal position requires that when two views are possible, then the view favouring accused must be preferred over the view favouring the prosecution, keeping this fact in view and coupled with the fact that during pendency of the bail none of the accused violated any of the bail condition and they have no objection if further bail conditions are added by this Court. Given above, this Court is not inclined to interfere and no grounds exist to cancel the bail, subject to addition of more conditions in addition to the condition imposed vide impugned order.

10. Given the nature of the allegations and the other circumstances peculiar to this case, respondent(s) No.2 shall not enter the victim's property, workplace, and residence until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (Crl.) 458; and *Aparna Bhat v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

11. Till the completion of the trial, the convict/respondent(s) No.2 shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards the victim and victim’s family, either physically or through phone call or any other social media, through any other mode, nor shall unnecessarily roam around the victim’s home and workplace.

12. Given the background of allegations against the accused, it becomes paramount to protect the members of society and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the accused shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority

2025:PHHC:077897



5

CRM-M-11639-2025 and one connected case within fifteen days from today and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the accused shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

13. Petitions are disposed of with the terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

02.07.2025
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Whether speaking/reasoned:	Yes
Whether reportable:	No.