

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

CRM-M-13675-2025  
Reserved on: 06.05.2025  
Pronounced on: 19.05.2025

Prithvi Chand Maurya and others ...Petitioners

## Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashish Soi, Advocate  
for the petitioners.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Lakshay Bector, Advocate  
for the complainant.

\* \* \* \*

ANOOP CHITKARA, J.

|         |            |                                     |                                          |
|---------|------------|-------------------------------------|------------------------------------------|
| FIR No. | Dated      | Police Station                      | Sections                                 |
| 37      | 10.02.2025 | Division No.7,<br>District Ludhiana | 109/115(2)/126(2)/351(2)/<br>191/190 BNS |

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 8 of the bail petition, the accused declares that they have no criminal antecedents.
3. The facts and allegations are being taken from the status report dated 18.03.2025 filed by the State, which reads as follows:

“3. XXXX FIR No. 37 dated 10.02.2025, registered at Police Station Division No.7, Ludhiana, under Sections 109, 115(2), 126(2), 351(2), 191, & 190 of BNS, 2023. The FIR was lodged by Narinder Singh, brother of the injured victim Ravi, stating that his brother was brutally assaulted by the accused persons, including 1) Prithvi Chand Maurya (Petitioner No.1), his wife 2) Vibha Devi Maurya (Petitioner No.2), 3) Gold Maurya (Petitioner No.3), 4) Harpreet alias Pinni, 5) mother of Harpreet @ Pini, 6) Father of Harpreet @ Pinni, 7) Saini, 8) Suraj and unknown persons. The victim, Ravi, was thrown from his motorcycle No. PB91-T-1708 and then beaten up. Co-accused Harpreet alias Pinni was carrying a Daat (sharp-edged weapon) and attacked Ravi, causing serious injuries on his jaw and nose. The victim sustained five injuries and was initially admitted to Civil Hospital, Ludhiana. He was subsequently referred to PGI Chandigarh and later admitted to CMC Hospital, Ludhiana, where he underwent medical treatment.

4. That the Injured Ravi, aged 17 years. The medical report

*confirms multiple injuries as per the medical report:*

*i) Injury on nose & nostril-1 cm laceration, pain & bleeding (Sharp-edged weapon, Advised ENT Opinion)*

*ii) Injury on forehead 1 cm active bleeding wound (Blunt weapon, Advised medical opinion)*

*iii) Loss of teeth (upper & lower jaw) and nasal bones (Blunt weapon, opinion) Fracture of jaw Advised dental opinion.*

*iv) Reddish coloration of eye Swelling and pain around the right eye (Blunt weapon, Advised eye specialist)*

*v) Pain at head Generalized head trauma (Blunt weapon, Advised NCCT Head Scan)*

*A copy of MLR is attached herewith as **Annexure R-1.***

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.

5. The State's counsel opposes bail and refers to the status report.

6. Counsel for the petitioners first argument is about credibility of the complainant and he states that complainant had also levelled an allegation of throwing brick on the back but no such injury was received which shows falsity of the allegation, however State counsel submits that the injury would depend on the impact and the force with which the brick was thrown.

7. Counsel for the complainant submits that petitioner No.1 is the main accused who gave iron blow on the face. Petitioner No.2 dragged him and petitioner No.3 inflicted blow with iron bracelet.

8. Counsel for the petitioner submits that in case this Court grants bail to petitioners No.2 and 3, they will not enter the business and residence of the victim and his immediate family members and also undertakes to surrender fire arms, if any.

9. It would be appropriate to refer to para no.6 of the status report dated 01.05.2025 which reads as follows:

*“6. That it is respectfully submitted that on receipt of copy of order dated 22.04.2025 passed by this Hon'ble Court, the deponent has discussed the matter with the SHO Police Station Division No.7, District Police Commissionerate, Ludhiana and also perused the record of this case. After perusal of the record, it has been revealed that the FIR No. 37 dated 10.02.2025, registered at Police Station Division No.7, Ludhiana, under Sections 109, 115(2), 126(2), 351(2), 191, & 190 of BNS, 2023 was lodged by Narinder Singh, brother of the injured victim Ravi, stating that his brother was brutally assaulted by the accused persons, including 1) Prithvi Chand Maurya (Petitioner No.1), his wife 2) Vibha Devi Maurya (Petitioner No.2), 3) Gold Maurya (Petitioner No.3), 4) Harpreet alias Pinni, 5) mother of Harpreet @ Pini, 6) Father of Harpreet @ Pinni, 7) Saini, 8) Suraj and unknown persons. The victim, Ravi, was thrown from his motorcycle No. PB91-T-1708 and then beaten up. Co-accused Harpreet alias Pinni was carrying a Daat (sharp-edged weapon) and*

*attacked Ravi, causing serious injuries on his jaw and nose. The victim sustained five injuries and was initially admitted to Civil Hospital, Ludhiana. He was subsequently referred to PGI Chandigarh and later admitted to CMC Hospital, Ludhiana, where he underwent medical treatment."*

10. Perusal of para no.6 points out it was accused Harpreet @ Pinni who was carrying sharp edged weapon and who attacked and caused serious injury on jaw and mouth.

11. State as well as counsel for the complainant oppose the bail.

12. Allegations against petitioner No.1 are that he threw victim from his motorcycle and gave beatings to him. Allegations against the petitioner No.2 are that she tried to drag the victim inside the house, however, petitioner No.3 hit on the chest of the victim with an iron bracelet as per the statement of victim, however, as per status report, the injuries with datar are not attributed to the petitioners but to Harpreet @ Pinni who attacked Ravi.

13. The role attributed to the petitioners is not such that they be denied anticipatory bail. 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.

14. 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.

15. The investigation indicates that the petitioners are not the main accused, so the petitioners' bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

16. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

17. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on 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 fail to appear, such surety can produce the accused.

18. While furnishing a personal bond, the petitioners 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)                                                                                                             |  |

19. The petitioners are 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 petitioners 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 petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

20. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners shall not enter the property, workplace, and residence of the victim 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 Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

21. Given the background of allegations against the petitioner, 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 petitioners shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner 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.

22. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

23. 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.

24. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

25. **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 have the liberty to cancel this bail.**

26. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

27. *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.*

28. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

19.05.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.