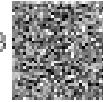


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2025.PHHC.035688



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13764-2025
DECIDED ON: 17.03.2025

ROHIT

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ramesh Sharma, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of BNSS 2023 for grant of anticipatory bail to the petitioner in case FIR No.14, dated 30.01.2025 u/s 115(2), 118 (1), 191 (3), 190 BNS 2023, PS City 2 Abohar, Distt. Fazilka.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Ravi Shankar s/o Ram Partap s/o Hukma Ram r/o Gali no.4-5 Ramdev Nagar, Abohar, aged about 30 years, M.No.99883-00348, stated that I am a resident of abovementioned address and I am running a meat dhaba at Abadi Road, Abohar. On 24.1.25, my friend Roshan Lal @ Kochi s/o Ram Dhan r/o Ramdev Nagar, Abohar who was having dispute/quarrel with Lavish s/o Parkash r/o Gali no.5, Ramdev Nagar, Abohar due to which, talks of compromise was going on between both

the parties on Panchayat level then on 26.1.25, at about 9.00 pm, I and my friend Roshan Lal @ Kochi had come to the house of Lavish abovesaid regarding the compromise but the compromise between both the parties could not be affected then at around 12.30 AM night, I made a phone call to Lavish abovesaid and Rohit Kumar s/o Ramji Lal r/o Ramdev Nagar but both the above did not pick up my phone then when I entered inside the gate of house of above Lavish then at that time light was on in the street then soon after my entrance in the house of Lavish above, Parkash s/o Bansi Lal armed with iron kirpan, Lavish s/o Parkash armed with iron toka, Tushar s/o Parkash armed with stick, Rohit s/o Ramji Lal and Suman w/o Parkash both empty handed rs/o Gali No.5, Ramdev Nagar, Abohar and two other unknown persons who can be identified by me on being paraded who were already present there. Both the above unknown persons who had fitted the iron garari of the motorcycle sharp edged after welding the same in front of the iron rods, were standing there. On seeing me, Parkash above raised lalkara to catch hold of me, not to spare me, who am I to effect their compromise, then in the meantime, in anger, Parkash above gave his kirpan blow upon me which hit on my left neck. Then Parkash above gave three more blows with the kirpan upon me which hit on my left elbow, left leg and below the knee and near the knee of left leg. Then suman and Rohit above caught hold of me from my hairs and pushed me down from the stairs. Then Lavish above caught hold of me from my arms and took me to the street then in the meantime, Lavish above gave his iron toka blow upon me which hit on my head due to which I fell down. On my fallen condition, Lavish above gave two more blows from his iron toka which hit on the left side of my stomach and near my right shoulder. Then

Tushar above gave three blows from his stick which hit on the upper side of my left eye near eyebrow and on the thumb of my right hand and on the nose. Then one unidentified person from the unidentified persons gave two blows of iron rod upon me which hit on the left side of my thigh and near the ankle of my left foot. Then another unidentified person gave iron rod blow upon me which hit on my back. When I raised noise of mar ta, mar ta then as my house was near, my sister Usha and my mother Bimla Devi and my father Ram Partap and other people of mohalla came at the spot and the abovesaid persons fled away from the spot alongwith their respective weapons. Then I was got admitted at CH Abohar by my family members after arranging the vehicle where doctor gave first aid to me and had referred to me GGS Medical College Faridkot for higher treatment, where doctor is giving treatment to me. The bone of contention is that Lavish above who is habitual of selling intoxicant, despite stopping him by me time and again and due to affecting compromise by me with my friend Roshan Lal, abovesaid persons have caused injuries to me in connivance with above persons. Legal action be taken against them. Statement has been got recorded to you, read, is correct. I am claimant. English signature Ravi Shankar above in the presence of RTI Bimla Devi w/o Ram Partap r/o Ramdev Nagar, Gali No. 4-5 Abohar.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that there is a delay of 4 days in lodging the instant FIR as the alleged occurrence took place on 26.01.2025 whereas the FIR was got registered on 30.01.2025. He further

contends that no specific role or injury has been attributed to the petitioner and nothing is to be recovered from him as even in the FIR itself no allegation has been levelled against him regarding having any weapon etc.

It has been contended on behalf of the petitioner that he is ready and willing to join the investigation and cooperate with the investigating officer concerned.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State, who seeks dismissal of the instant petition on the ground that the allegations against the petitioner and his co-accused persons are serious in nature as more than 10 injuries have been inflicted on the person of the complainant that too with sharp edged weapon.

4. **Analysis**

Be that as it may, considering the fact that no incriminating material has been putforth by the prosecution to connect the petitioner with the alleged commissioning of the offence; there is a delay of 4 days in lodging the instant FIR as the alleged occurrence took place on 26.01.2025 whereas the FIR was got registered on 30.01.2025 and also the fact that no specific role or injury has been attributed to the petitioner in addition to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating

Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

17.03.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No