

2025:PHHC:049339



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13975 of 2025
Date of Decision: 09.04.2025
Reserved on: 03.04.2025

Ramesh Singh ... Petitioner

Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nikhil Chopra, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Shubham, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
42	15.02.2025	Guhla, District Kaithal	109, 190, 191(3), 115(2), 118(2), 331(6), 140(3), 351(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 of Arms Act, 1959

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the

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complaint lodged by Bhana Ram alleging therein that his son Deshpal was married with Sarabjit Kaur, daughter of the present petitioner on 02.12.2024. It was an inter caste marriage and the family members of Sarabjit Kaur were not happy with the alliance and used to nurse a grudge against his family. He alleged that on the intervenining night of 14/15.02.2025, the petitioner along with co-accused who are his family members and 15-16 persons unknown to complainant, entered inside his house and opened an assault upon his family members and himself and caused injuries to them with the respective weapons which they were carrying. Accused Sukha fired a shot with a firearm with intention to kill his elder son but he had a narrow escape. Thereafter all of them abducted Sarabjit Kaur and fled away while extending threats to kill them. The injured were taken to hospital and were treated. Offences under Sections 115(2), 118(2) and 117(2) of BNS were added later on. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Kaithal vide order dated 03.03.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact his daughter had gone missing in January 2025 and her whereabouts could not be made known to him. When he came to know about the fact that son of the complainant had performed marriage with his daughter, he along with his family members had gone to the house of the complainant to ensure safety of his daughter. Some scuffle had taken place between them as the petitioner and his family members were

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not allowed to meet his daughter. Hot words were also exchanged. However, this FIR was registered totally on false allegations as no occurrence as narrated had taken place. Even otherwise, a compromise has been arrived at between the parties on 06.03.2025 and the terms of the same had been executed in writing. The petitioner is ready to join the investigation. His custodial interrogation is not required. No specific overt act has been attributed to him. No recovery is to be effected from him. Therefore, it is argued that he deserves to be extended benefit of pre arrest bail.

4. Status report has already been filed. It is submitted by learned Assistant Advocate General, Haryana that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be given benefit of pre arrest bail.

5. Learned counsel for the complainant, on the other hand, has not raised any objection to the allowing of the petition and has rather stated that a compromise has been arrived at between the parties.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have criminally trespassed into the house of the complainant during night time and to have caused injuries to his family members and himself and then abducted his daughter. Copies of medico legal reports of injured Toshi wife of the complainant, Somnath and Deshpal sons of the complainant have been annexed with the status report, as per which, one grievous injury had been sustained by the victim Deshpal and

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other injuries as sustained by the injured are opined to be simple in nature. Sarabjit Kaur daughter-in-law of the complainant is reported to have been residing with the family of the complainant. The petitioner has not been attributed any specific injury in the incident. It is a debatable question as to whether ingredients for commission of offence punishable under Sections 109 and 140(3) of BNS are attracted in this case or not? Given the nature of the allegations, this Court is of the considered opinion that pre trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. He is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his furnishing personal/surety bonds to his/her satisfaction.

8. It is further clarified that the observations made above are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

09.04.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No