



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM-M-15751-2025

Date of Decision : March 21, 2025

ROHIT @ ROHIT BHATTI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Saurav Bhatia, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.192 dated 03.09.2023 (Annexure P-1), under Sections 323, 341, 506, 148, 149, 427 IPC (Section 326 IPC added lateron), registered at Police Station City Rupnagar.

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

“Copy of Statement, Statement of Harshpreet Singh son of Bishan Pal Singh resident of village Bande Mahal Kalan, Police Station Sadar Rupnagar, District Rupnagar. Aged about 21 years. Mobile No.98558 372016. Stated that I am residents of the above said address and does the work of tying iron rod net. On 02.09.2023 I was free and I have to get done the service of my Maruti Zen Car and due to this I went to the house of my friend Rajvir son of Manohar Lal resident of House No.3363, Adarsh Nagar, Rupnagar, where my another friend Navjot Singh son of Gurmukh Singh

resident of village Bhanni, Police Station Chamkaur Sahib at present resident of Kurali who is working in Swaraj Tractor Factory, Chhappar Chhirri also came there. All the trio went for roaming. After taking cold drink etc., we were coming back to village Bande Mahlan. It was at about 9.45 PM, when we reached the park of Giani Zail Singh Nagar, Rupnagar, then 6-7 boys came in an open jeep and waylaid them by stopping their jeep in front of our Zen car. When I tried to alight from the car, all of them attacked me with iron Datar. Rohit Bhatti resident of Balmik Mohalla Rupnagar to whom I knows gave two Datar blows on my head, due to which blood started oozing from my head. One unknown Sikh boy gave a Datar blow on the knee of my left leg and blood started oozing from my left leg. Then I fell down on the ground. The other assailants gave injuries on my back while I was lying on the ground. One of the assailant gave a blow of iron Kara on my mouth beneath my right eye, due to which a cut injury was suffered on my face and blood started oozing from said injury. The people gathered on the spot and due to which all the assailants ran away from the spot along with their respective weapons in their open jeep while rendering threats to kill them. I was not having any old enmity with Rohit Bhatti and his unknown accomplices, but I do not know why they caused injuries to me. Then my friends got admitted to Civil Hospital, Rupnagar for treatment, where I under treatment. You reached the civil hospital and recorded my statement. So, strict legal action should be taken against said Rohit Bhatti resident of Balmiki Mohalla Rupnagar and his 5-6 unknown persons for surround and beating us and threatening us. giving injuries and threats. Statement recorded to you, heard, it is correct. I could not read the number of the jeep due to injuries and they also broke the windows of my car. Sd/- Sukhwinder Singh ASI PS City Rupnagar dated 03.09.2023.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He would further submits that the FIR has been registered approximately three months ago and

the petitioner became aware of the same when the police conducted raid at his house. It has been contended on behalf of the petitioner that nothing has been recovered from her conscious possession and 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 does not controvert the aforesaid fact but opposes the grant of anticipatory bail to the petitioner on the ground that the allegations against the petitioner are serious in nature as he gave two datar blows on the head of the complainant.

4. **Analysis**

Be that as it may, considering the fact that the present FIR has been registered after three months of the occurrence and the petitioner came to know about the same only when his house was raided added to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him, therefore, putting him behind bars would serve no purpose.

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 for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. 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 and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

March 21, 2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No