



CRM-M-16428-2025

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

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CRM-M-16428-2025

Date of decision: 8th April, 2025

Sajid

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ravi Malik, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 108 dated 25.09.2024 registered under Sections 191(3), 190, 115, 117(2), 324(4), 333, 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Bahin, District Palwal, Haryana.

2. As per the allegations, on 18.09.2024, the petitioner accompanied by the co-accused, had hurled abuses to the mother of the complainant Mukim and thereafter, by forming an unlawful assembly with the co-accused, had opened an attack upon the complainant and his family members thereby causing injuries to them. They were rescued by the co-villagers. Their vehicles had been damaged and brick bats were thrown in



their houses. Initially, a DDR was entered and on receipt of medico legal report of the injured, the aforementioned FIR was registered. Offence under Section 109 of BNS was added on 19.10.2024 but subsequently, the offences under Sections 109 and 118(1) of BNS were deleted and offence under Section 117(2) was added.

3. It is argued by learned counsel for the petitioner that he was not named in the FIR and has been falsely implicated in this case. No recovery is to be effected from him. His custodial interrogation is not required. He is ready to join the investigation. Therefore, it is argued that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Haryana that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. Rival contentions raised by both sides have been considered.

6. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object thereof, is alleged to have struck a blow with axe on the head of the uncle of the complainant. The injury so sustained by his uncle was initially opined to be dangerous to life but later on grievous in nature. The case is still at its nascent stage. Taking into consideration the nature of the allegations as levelled against the petitioner, part played by him and the attendant facts and circumstances coupled with the fact that no such exceptional and extra ordinary circumstance could be pointed out by the petitioner's counsel on the basis of which it can be stated that he deserves to



be extended benefit of pre-arrest bail. For conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. It is also well settled that the Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th April, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*

: *Yes / No*

2. *Whether reportable*

: *Yes / No*