



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

105

CRM-M-20831-2025(O&M)
Date of Decision: 22.04.2025

JATIN SHARMA

...Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks grant of anticipatory bail in case arising out of FIR No.287 dated 01.10.2024, registered under Sections 115(2), 118(1), 126, 351(2), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023 (Erstwhile 323, 324, 341, 506, 148, 149 of IPC), Sections 117(2), 109(1) of Bharatiya Nyaya Sanhita, 2023 (Erstwhile 325 and 307 of IPC added later on) at Police Station Hathin, District Palwal, Haryana.

2. The aforementioned FIR was registered on the allegations that on 26.09.2024, the co-accused Rohan, Paras and Anil had intercepted the complainant Tarun while he was going on his motorbike and had reached near the chaupal of his village. They started hurling abuses to him. They also called the petitioner and co-accused Vicky, Lokesh and Naresh at the same spot who reached there being armed with weapons. Accused Vicky opened



an assault upon the complainant while proclaiming that the complainant should be killed. The petitioner and others also assaulted him with respective weapons carried by them. The petitioner struck a blow with farsa on his head. They also gave kicks and fists blows to him and thereafter, he was left in a critical condition. He was taken to hospital and remained under treatment till 28.09.2024 when he reported the matter to the police. After registration of FIR, initially a case under Sections 115(2), 118(1), 126(2), 190, 191(3) and 351(2) of IPC was registered. Subsequently, offence under Section 109 of IPC was added. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Palwal vide order dated 05.04.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, on 26.09.2024, it was the complainant Tarun who along with some other persons had extended beatings to him while he was coming back from his college. He was saved by the villagers and had been taken to Community Health Centre and then remained admitted and was referred to some higher medical centre. He was medico-legally-examined on that very day and had sustained five injuries one of which was grievous. He was discharged from the hospital only on 30.09.2024 and reported the matter to the police but no FIR was registered. Rather on 01.10.2024, a false FIR was registered against him and other co-accused. A private complaint has since been filed by him which is pending. It is a case of version and cross version. The petitioner was not the



aggressor. As per report of the medical officer, the injuries sustained by the complainant were not dangerous to life and it is only subsequently that the same has been declared to be such. His custodial interrogation is not required. He is ready to join the investigation. His detention would not be of any use. Therefore, it is argued that he deserves to be extended benefit of pre-arrest bail.

4. Notice of motion.

5. Learned State counsel who has advance notice of the petition and is ready to argue the matter. It is submitted by him that there are serious and specific allegations against the petitioner who was the aggressor and who by forming unlawful assembly with the co-accused had opened assault upon the complainant after wrongfully restraining him and had voluntarily caused simple as well as grievous injuries on his person. One injury sustained on the head of the complainant that had been attributed to the petitioner has been declared to be dangerous to life. Custodial interrogation of the petitioner is must for conducting proper investigation in the matter. No exceptional circumstances for grant of bail has been made out. Accordingly, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner along with the co-accused is alleged to have formed an unlawful assembly and in prosecution of common object thereof is alleged to have caused injuries to the complainant. The injury no.1 was opined to be grievous in nature by the doctor who had initially examined the



complainant but according to his opinion, it was not dangerous to life. However, as per the record, subsequently a Board of Doctors was constituted and the injury so sustained which was found to be a displaced fracture in skulp was opined to be dangerous to life. The medico legal report as placed on record by the petitioner also shows that he too had sustained an injury. However, at this stage, there is nothing on record to show that he was not the members of the aggressor party. The allegations against the petitioner are serious in nature. The case is still at its nascent stage. For conducting proper investigation, the custodial interrogation of the petitioner is must. More so, it is well settled proposition of law that benefit of pre-arrest bail is to be granted in extraordinary and exceptional circumstance whereas no such circumstances has been made out in this case. Keeping in view the above discussed facts, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

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

22.04.2025

Deepak Patwal

**(MANISHA BATRA)
JUDGE**

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| 1. <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable</i> | <i>Yes/No</i> |