



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CRM-M-21169-2025

DATE OF DECISION: 24.04.2025

VISHU

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak Goyal, Advocate for the petitioner(s).

Mr. Jastej Singh, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 482 BNSS for the grant of Anticipatory Bail to petitioner in case FIR No. 11 Dated 14.02.2025 U/s 118(1), 351(1), 351(3) BNS and offence U/s 118(2) BNS added later on registered at Police Station Majitha District Amritsar (Rural) (Annexure P-1).

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘Statement of Patrash Mashi S/o Willson Mashi R/o Nag Khurd Police Station Majitha aged about 30 Years Mobile No. 9877908052. Stated that I am the resident of above mentioned address. I runs auto. My brother Johan Mashi runs the cart of eggs and fish fry in the chowk at village. On dated 14.01.2025 at



about 6:00 in the evening, I had come from Amritsar after taking auto, then I stooped at the cart of my brother and my brother went at home for taking goods. That time was about 6:00 in the evening then Vishu S/o Ramesh alias Pappu R/o Nag Khurd came at our cart in a drunkard condition and demanded fish for a sum of Rs. 20/-. I told him that no fish can be purchased for 20 rupees and he started using filthy language. That at the spot on the cart Raju S/o Mehanga Mashi, Satnam Singh S/o Najar Singh residents of Nag Khurd made him understand that which fish comes for 20 rupees. He went back from the cart. Thereafter some time aforesaid Vishu about after 10 minutes came at the cart after taking Kirch from his house. At that time my brother, Raju S/o Mehanga Mashi, Satnam Singh S/o Najar Singh residents of Nag Khurd were present at the cart. Who immediately on coming attacked on me and attacked my head with the Kirch holded in his hand, in order to save myself, I held the Kirch and attack of Kirch landed on my left hand due to which the finger adjoining to thumb of my left hand was amputated and fell on ground. Middle and ring finger of my left hand was also suffered cuts. In order to save me, my brother came forward then Vishu S/o Ramesh alias Pappu R/o Nag Khurd run away from the spot along with weapon while threatening. I was taken to Guru Nanag Dev Hospital Amritsar by my father and brother and Raju S/o Mehanga Singh for treatment after arranging the vehicle. Where I remained admitted upto 18.01.2025. Till now the respectable persons were trying to execute compromise between us, which could be succeeded. Required legal action be taken against Vishu S/o Ramesh alias Pappu R/o Nag Khurd. Today I have come to police station along with my brother Johan Mashi for recording the statement. Statement has been recorded, heard and is correct. Sd/- above mentioned Patrash Mashi, Sd/- aforesaid Johan Mashi. Attested Sd/- ASI Harjinder Singh Police Station Majitha, Dated 14.02.2025. Police Action: Today



I ASI along with CT Harsimranjit Singh No. 1363, PHG Sakatar Singh No. 3020 were present at Police Station Majitha along with laptop printer kit. That Partash Mashi S/o Willson Mashi R/o Nag Khurd Police Station Majitha came along with his brother Johan Mashi and got recorded his above statement. His statement was written and read to him. Who after admitting his statement to be correct signed under his statement in Punjabi language, which was attested by me. That the MLR No. 246/HK/FM/MLR/09/25 Dated 14.01.2025 of Partash Mashi S/o Willson Mashi R/o Nag Khurd Police Station Majitha is received today to me ASI in the police station. In which doctor sahib has stated 3 injuries and three injuries are sharp in nature and has been kept under x-ray. X-ray report is still to be obtained, on receipt of X-ray report action will be taken as per circumstances. From the statement and MLR offence U/s 118-(1), 351-(1)-(3) BNS is found to have been committed. On which statement is sent to Police Station Majitha through PHG Sakatar Singh 3020 for registration of case. FIR number be informed after registration of case. Officials be informed through control room via wireless. I ASI along with fellow officials is leaving for spot. At Police Station Majitha. Time 6:40 PM. Sd/-Harjinder Singh ASI Police Station Majitha Dated 14.02.2025. Today at Police Station: At this time on receipt of the above statement at Police Station, aforementioned FIR under aforementioned sections is registered and original statement along with copy of FIR is being sent to appointed ASI through PHG at the spot for further investigation. Control room is being informed through wireless. Compliance report No. 41 Time: 19:30.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and there is unexplained delay of 30 days in lodging the present FIR. As per the



allegations, the petitioner attacked the complainant with his Kirch and index finger of left hand of the complainant was amputated and the incident took place only for a fish for Rs. 20/-. He submits that no recovery is to be effected from the present petition, hence his custodial interrogation is not required.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner gave kirch blow and amputated the index finger of left hand of the complainant, hence, prays for dismissal of the present petition.

4. Analysis

Be that as it may, after given a thoughtful consideration to submissions as made that the incident took place between two parties on a petty issue i.e. for fish of Rs. 20/- which shows that the incident took place out of sudden provocation and not for causing any harm to anyone, moreso, there is unexplained delay of 30 days in lodging the FIR and nothing is to be recovered from the petitioner, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final



report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

24.04.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>