



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

106

CRM-M-23037-2025

Date of decision: 30.04.2025

Hanuman

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rhythem Bajaj, Advocate for the petitioner.

Mr. Jastej Singh, DAG, Punjab.

Mr. Aman Kumar, Advocate for
Mr. Priyanshu Kamra, Advocate for the complainant.**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.11 dated 24.01.2025 under Sections 115(2), 118(1), 191(3), 190 of BNS, 2023 (offence under Section 118 (2) of BNS, 2023 added later on and Section 118 (1) of BNS deleted) registered at P.S Khuian Sarwar, District Fazilka.

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

“ Copy of Rapat No. 02 dated 14.01.2025. Police Station Khuian Sarwar. Statement of Rohtash son of Hari Chand son of Moola Ram resident of Village Bhanger Khera, Tehsil Abohar, District Fazilka, aged about 45 year, Mobile No. 99824-22180. Stated that I am resident of above mentioned address and doing agriculture work. We are two brothers. Dharam Pal is my elder brother. We both the brothers are having about 30 acres land in the area of Village



Bhanger Khera. The road leading to our land passes through the lands of Ram Narain son of Birbal Ram and Hanuman son of Lekh Ram residents of Village Bhanger Khera. Ram Narain etc. prevent us from crossing the passage. On 12.01.2025, I and my brother Dharam Pal went to irrigate our fields after drawing water as we have the turn of water. We stopped our motorcycle on the small bridge (Puli) and both of us brothers went towards our fields by walking. Time was around 8.30 AM and when I and my brother reached near the edge of the paved ditch on the head of the field of Ram Narain then Ram Narain son of Birbal Ram having Stick (Soti), Hanuman son of Lekh Ram having Kapa, Satpal son of Lekh Ram having Stick (Dang), Sultan son of Birbal Ram, Anguri Devi wife of Sultan Ram, Sharda Devi wife of Ram Narain residents of Village Bhanger Khera were throwing canes (small sticks) on the road leading to our land. When we told them not to stop canes (small sticks) on our road then all the above said started committing fighting with us. Hanuman, gave a Kapa blow, having in his hand, upon me and I raised my left hand up in order to save myself then Kapa hit directly on the upper side of my left hand. Ram Narain gave two blows continuously with the Stick (Soti), having in his hand, upon me which me in my head and chin. Satpal gave Danda blow, having in his hand, upon me which hit on my left shoulder. Anguri Devi pick a brick piece from the Drain (Khal) and throw towards me which hit on my right knee. My brother Dharam Pal come forward to save me then all the above said person caught hold my brother Dharam Pal and also gave beatings to him. I took out my mobile phone and tried to make a call then Satpal snatched my phone wherein SIM No. 99824- 22180 was going on. We raised a noise of Bachao Bachao then all the above said person left us and after saving ourselves we went towards our fields. We got us admitted in Civil Hospital, Abohar for our treatment where we are under treatment. The reason behind this grudge is that the road leading to our land passes through the land of Ram Narain etc. All the above said persons stopped us to pass through the passage due to which the above said persons inflicted us injuries. Statement recorded to you, hear and same is correct. Signature in Punjabi Rohtak above said. As it is signature in Punjabi Dharam Pal above said. Verified. Sd/- Bhagwan Singh, Incharge, Police Post Kalar



Khera, Police Station Khuian Sarwar, Date: 13.01.2025. Police Proceedings: Today Head Munshi of Police Station Khuian Sarwar received an information through telephone that injured Rohtash, Dharam Pal sons of Har Chand and injured Anguri Devi wife of Sultan, Mana Devi widow of Birbal Ram and Hanuman son of Lekh Ram residents of Village Bhangar Khera are admitted in Civil Hospital, Abohar because of suffering the injuries. Action should be taken after obtaining the MLR's. Upon which, MLR No. SK/453/SDHABH/2025 of Rohtash wherein Doctor Sahib mentioned total 05 injuries, wherein Injury No. 1 mentioned as Sharp, 2, 3, 5 mentioned as Blunt, Injury No. 1 to 5 mentioned as kept under X-ray. MLR No. SK/454/SDHABH/2025 of Dharam Pal wherein Doctor Sahib mentioned total 02 injuries as simple and blunt. MLR No. VS/10/SDHABH/2025 VS/08/SDHABH/2025 of Anguri Devi, MLR No. Mana Devi, MLR No. VS/09/SDHABH/2025 of Hanuman, received through email. Upon which I ASI along with C-2 Sukhdeep Singh 1272/Fazilka, SC Sukhman Singh 1198/Fazilka, PHG Chinder Pal 6425 reached near the bed of injured Rohtash at Civil Hospital Abohar where injured Rohtash was found present sitting on his bed and was talking with his brother Dharam Pal. He got recorded his above mentioned statement to me. His statement was recorded as it is word by word and read over to him and made him understand. He after hearing his statement, reading the same and after considering the same as correct, appended his signatures in Punjabi language below the statement. The statement has been verified by above said Dharam Pal and he appended his signature in Punjabi. Same are verified by me. Injured Rohtash got recorded his statement again and again after improving the same. Statement recorded by injured Rohtash was found suspicious which is recorded as improved version. Both the parties have dispute between each other regarding the passage and it is necessary to confirm the same after inspecting the spot. Upon the spot verification by SHO Sahib and X-ray reports action will be taken accordingly. For the time being, Statement is sent to Police Station through PHG Chinder Pal 6425 for registration of case. Daily Diary has been entered. Second Party Angoori Devi etc. are also admitted. I ASI along with co-officials is busy in Civil Hospital, Abohar. Today in the area of CH Abohar at 08.00 PM. Sd/- Bhagwan Singh, 655/FZK I/C PP Kalar Khera,



Police Station Khuian Sarwar, date 13.01.2025. Today I SI/SHO upon reaching the spot, and from the investigation conducted there, from the evidence brought before me and from the interrogation of persons present and from the open and secret investigation it is found that Rohtash son of Hari Chand resident of Bhangar Khera recorded in his statement that in the fight occurred on 12.01.2025 at about 8.30 AM in the area of Village Bhangar Khera, Shara Devi wife of Ram Narain was associated in the fight on the spot wherein there is no truth at all because at that time Sharda Devi was stated to be present in the Village Bhangar Khera and it was recorded that Satpal snatched the phone of Rohtash, in this regard no such thing has come forward. In the fight, association of Ram Narain son of Birbal Ram, Hanuman son of Lekh Ram, Satpal son of Lekh Ram, Sultan son of Birbal Ram and Anguri Devi wife of Sultan Ram residents of Bhangar Khera is found. From the investigation/verification conducted till date and from the Doctor MLR offence under Section 115(2), 118(1), 191(3), 190 of BNS is found to be committed, thus, a Case No. 11 dated 24.01.2025 under Sections 115(2), 118(1), 191(3), 190 of BNS has been registered at Police Station Khuian Sarwar against Ram Narain son of Birbal Ram, Hanuman son of Lekh Ram, Satpal son of Lekh Ram, Sultan son of Birbal Ram and Anguri Devi wife of Sultan Ram residents of Bhangar Khera and the original statement with copy of FIR and concerned documents are sent to ASI Bhagwan Singh 655/FZK, Incharge, Police Station Kalar Khera on the spot for further investigation. Upon receiving the report regarding the injuries kept under X-ray action will be taken accordingly. PCR Fazilka is being information. ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case. It is a case of version and cross version and the instant FIR is nothing but a counter blast to the case lodged by the petitioner on 14.01.2025 (Annexure P.2) immediately after the occurrence took place. It is the complainant party, who demolished the kotha/farm shed and



damaged the crop in the property of the petitioner despite stay order dated 03.12.2024 being passed. That apart, there is considerable delay in lodging the present FIR and that co-accused of the petitioner namely Angoori Devi and Sultan Ram have already been granted the concession of anticipatory bail by the trial Court. Co-accused Ram Narayan and Satpal have also been granted the concession of regular bail by the trial Court vide order dated 15.04.2025.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jastej Singh, DAG, Punjab accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail on the ground that grievous injury is attributed to the petitioner with Kapa which hit on the wrist of the complainant and the same is found to be grievous in nature as per medico-legal report.

4. **Analysis**

Be that as it may, considering the fact that it is a case of version and cross version and it is the complainant party, who demolished the kotha/farm shed and damaged the crop in the property of the petitioner and the fact that there is considerable delay in lodging the present FIR. Further, taking note of the fact that co-accused of the petitioner namely Angoori Devi and Sultan Ram have already been granted the concession of anticipatory bail by the trial Court whereas co-accused Ram Narayan and Satpal have also been granted the concession of regular bail by the trial Court vide order dated 15.04.2025, custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

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

30.04.2025
manoj

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |