



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22387-2025
DECIDED ON: 28.04.2025

RAHUL AND OTHERS

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abdul Aziz, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of pre-arrest anticipatory bail to the petitioners in case bearing FIR No.10 Dated 16.03.2025 U/s 115 (2), 126 (2), 351 (2), 190 of BNS and offence under Sections 117 (4) and 238 of BNS was added later on, registered at Police Station City Ahmedgarh District Malerkotla.

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

"Copy of Statement: Statement of Mandeep Badhan son of Kishori Lal Badhan resident of Jageda Road Ward No.04, Ahmedgarh aged about 36 Mobile No.98551-59166. It is stated that I am resident of above mentioned address. I take care of cattle. My marriage was solemnised about 04 years back. I have a son, who is about 2 years of age. On 14.03.2025 at about 09:00 PM, when I and my brother Kamaldeep Badhan and my mother and father were

present at home, my brother Kamaldeep Badhan who has gone to give meal to the dogs kept on 3rd floor of our house, in the meantime I was ready to put lock to main gate of our house, then Balwinder Kumar @ Vicky hit the gate with brick and his brother Haripal @ Ravi and third brother Narinder Kumar @ Nandu and their father Hans Raj son of Sadhu Ram and his cousin brother Rahul son of Yashpal Singh, came together and they cordoned me all started giving beatings to me. I fell down and they all were giving beatings to me when I was down. When I was down, Balwinder Kumar @ Vicky gave iron rod blow in my head, thereafter Hari Pal @ Ravi gave knife on my left hand which hit on my left arm, thereafter, when I was down, Narinder Kumar @ Nandu gave kicks to me, which hit on right side of my stomach. Thereafter above persons continued to give me beatings when I was down. Then in the meantime my brother Kamaldeep Badhan, who had gone to give meal to the dogs on 3rd floor of our house, came and then above persons ran away from the spot. As I was in lot of pain, so my brother Kamaldeep Badhan got me admitted to Hind Hospital, Ahmedgarh where I am under treatment. This entire incident has been witnessed by my brother Kamaldeep Badhan.

3. **Contention**

On behalf of the petitioners

Learned counsel for the petitioners contends that there is an unexplained delay of 03 days in lodging the instant FIR as the incident took place on 14.03.2025 whereas the present FIR was registered on 16.03.2025. He further contends that no specific injury/role has been attributed to the present petitioners. It has been further submitted that the petitioners are not habitual offenders as they are not involved in any other case, who are ready and willing to join the investigation and cooperate with the investigating officer concerned.

Notice of motion.

On behalf of the State/complainant

On the asking of the Court, Jastej Singh, DAG, Punjab accepts notice on behalf of the respondent-State and Mr. Manpreet Singh, Advocate has put in appearance on behalf of the complainant and filed his Power of Attorney, which is taken on record, who oppose the grant of anticipatory bail to the petitioner on the ground that the petitioners along with other co-accused persons have allegedly attacked the complainant and inflicted injuries upon him.

4. **Analysis**

Be that as it may, considering the facts that there is an unexplained delay of 03 days in lodging the instant FIR as the incident took place on 14.03.2025 whereas the present FIR was registered on 16.03.2025; no specific injury/role has been attributed to the present petitioners; they are not habitual offender as they are not involved in any other case, as has been argued by learned counsel for the petitioners; nothing has been recovered from the present petitioners as well as the fact that the petitioners are ready and willing to join the investigation and cooperate with the investigating officer concerned, as has been undertaken before this Court by learned counsel for the petitioner, this Court is of the considered view that the petitioners deserve the concession of anticipatory bail at this stage.

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. 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, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

28.04.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No