



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24664-2025
DECIDED ON: 07.05.2025

RAJINDER KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karandeep Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 B.N.S.S seeking concession of anticipatory bail to the Petitioner in case FIR No.42 (Annexure P-1), dated 04/04/2025, under Section 126(2), 118, 115, 351(2) of Bharatiya Nyaya Sanhita (BNS) and section 118(2) of Bharatiya Nyaya Sanhita (BNS), 2023 was added lateron registered at Police Station Khui Khera, District Fazilka, Punjab.

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

“Statement of Gopi Ram son of Bahadur Ram son of Motiram resident of khippavali aged approximately 59 years mobile number 95305 00 005 that I am ex sarpanch of my village and my wife Vindra Devi is the present sarpanch of the village. yesterday date 3rd April 2025 time around 4:30 p.m. a short distance from my home a person had come to give SIM and I was showing my mobile to him then Rajendra Kumar son of

Madan Lal resident of khippavali came there on his Bullet motorcycle revving up his engine and started staring at me I said nothing then after around 5 minutes he came back with his motorcycle and by that time I was going back to my home he hit me with the motorcycle and said I will teach you sarpanchi who are you to stop drugs in the village. Then Rajendra Kumar punched me on the left side of my face then my chacha rampratap son of Motiram resident of khippavali heard the commotion and reached on spot and tried to free me from Rajendra Kumar then Rajendra Kumar took out Kappa from his motorcycle and tried hitting it on the head then my chacha raised his right hand and Kappa hit his finger of right hand then he pushed both of us down and started kicking me and my chacha rampratap hearing this commotion other persons of the village also reached on spot who helped save me and my Chacha Ram Pratap from Rajinder Kumar then members of my family took me and my Chacha Ram Pratap to government hospital Abohar and admitted us for treatment and we are undergoing treatment. The reason for the grudge against me is that me and my wife Indira Devi being sarpanch of the village was involved in the scheme of Punjab government under which persons using or selling drugs were counseled and told to refrain from the activity Rajendra Kumar also has enmity with us due to Sarpanch elections And whenever any development and work is done in the village he provokes people of the village against me in the same way he has provoked the person who sell and use drugs and because of this, this person has beaten me up and legal action must be taken against him. statement has been read to me I heard It is ok. Signed Hemant Kumar HC police station khui khera date 4th April 2025 action by police today MHC police station sent MLR number PW/ 69/ SBH/ABH/2025 regarding rampratap son of Motiram resident of khippavali in which Dr Sahib has noted total three injuries injury number 1 and 3 under x-ray and injury number 2 simple injury number 1 sharp injury. injury number 2 and 3 with blunt weapon. MLR number PW/ 70/ SDH/ABH/2025 regarding Gopi Ram

son of Bahadur Ram resident of Deepavali in which doctor has noted 3 injuries injury number 1 under x-ray injury number 2 and 3 blunt. MLR number PW /68/SDH/ABH 2025 regarding Rajender Kumar son of Madan Lal resident of Deepavali in which doctor Sahib has noted 4 injuries injury number 1 and 2 under x-ray, and injury number 3 and 4 to be simple injury number 1 and 2 caused by shop weapon and injury number 2 and 4 with the blunt weapon.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that it is a case of version and cross-version, as FIR No. 42 dated 04.04.2025 was registered based on the complainant's statement against the petitioner and in response, a DDR/G.D. No. 39 dated 04.04.2025 was registered in the said FIR by the police against the complainant and other individuals. He further contends that there is an inordinate delay of one day in lodging the instant FIR as the occurrence took place on 03.04.2025 whereas the FIR was registered on 04.04.2025. He further asserts that the present FIR is a result of political vendetta and grudges as there exists political rivalry in the village between the complainant and the petitioner as the complainant is a former Sarpanch, and his wife is currently holds the position of Sarpanch representing the ruling party, while the petitioner is a member of opposite party. It has been further contended that the petitioner sustained grievous injuries, allegedly inflicted by the complainant, Bhajanlal (son of Rampartap), and Rampartap (son of Moti Ram), which is supported by the Medico-Legal Report (Annexure P-3).

The petitioner is 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.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jastej Singh, Addl. A.G., Punjab accepts notice on behalf of the respondent-State, who does not controvert the fact that it is a case of version and cross-version but opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner allegedly struck the complainant with a fist on the left side of his face. Furthermore, when the complainant's uncle, Ram Partap, attempted to intervene, the petitioner is said to have attacked him with a *kapa* (sharp-edged weapon), causing a grievous injury to the finger of his right hand.

4. **Analysis**

Be that as it may, considering the facts that it is a case of version and cross-version; there is an inordinate delay of one day in lodging the instant FIR as the occurrence took place on 03.04.2025 whereas the FIR was registered on 04.04.2025; as per the MLR, the injuries have been declared simple in nature except injury No.2 which is declared to be grievous in nature but not dangerous to life and the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned.

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

07.05.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No