



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25521-2025
DECIDED ON: 12.05.2025

MANISH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S. Jattan, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of the Bharatiya Nagrik Suraksha Sanita, 2023 for grant of Anticipatory Bail to the petitioner in the event of arrest in case F.I.R. No. 73 dated 28.02.2025 (Annexure P-1) under Sections 115, 117 (2), 190, 191 (3), 351 (2), & later on added section 118(2) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Bilaspur, District Yamuna Nagar.

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

“Statement of the complainant, Sanjeev Kumar son of Shiv Dayal, resident of village Munda Kheda, Police Station Bilaspur, District Yamunanagar, age 40 years. I, the above-named, am a resident of the address mentioned. I work in agriculture. I have 2 daughters. We have land in our village Munda Kheda. We have donated 4 Kanals of land in our land to the Gugga Mandi

Temple, which is under our possession. The persons of our village namely Sumer Chand, Sunil Kumar, Vinod Kumar, sons of Sumer Chand, Manish son of Sunil Kumar, Aniket son of Vinod Kumar, Chaman Lal son of Gurmel Singh, Raj Rani wife of Deep Chand, Aarti wife of Manish, and Deep Chand son of Pyara Lal, resident of Chhachhrauli, District Yamunanagar, stay at the Gugga Mandi Temple and want to occupy our donated land. In front of the Gugga Mandi Temple, we have sown grass (fodder) in our land. Yesterday, on 23.02.2025, at approximately 1:30 PM, my brother Satish Kumar had gone to the field to get fodder for the animals, where all the above-mentioned people were sitting outside the room of Gugga Mandi Temple. They started verbally abusing and physically assaulting my brother Satish Kumar. Hearing the noise of the fight, I and my brother Pawan Kumar reached the spot to intervene. All the above-mentioned individuals were physically assaulting my brother Satish Kumar and Sunil Kumar, Vinod Kumar, Manish Kumar, and Chaman Lal were holding sticks in their hands. When I and my brother Pawan Kumar tried to rescue our brother Satish Kumar then Sunil Kumar, Vinod Kumar, and Manish Kumar, with the intention of killing, hit my brother Pawan Kumar multiple times with the sticks they were holding, and Sunil Kumar and Chaman Lal hit me on the head multiple times with the sticks they were holding. As a result, all three of us brothers sustained several injuries. After that, the villagers rescued us from the above-mentioned accused, and while leaving, all the above mentioned accused threatened to kill us. Subsequently, my nephew Puru son of Preet Pal, resident of village Pawni, and our neighbor Karambir son of Ram Lal, arranged a private car and brought us to Civil Hospital Jagadhri for treatment, where the doctor, after examination, referred us to Civil Hospital Yamunanagar for further treatment. I am currently under treatment at Civil Hospital Yamunanagar. I have given you my statement at Civil Hospital

Yamunanagar. The statement has been read and heard, and it is correct.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that it is a case of version and cross-version as the alleged incident took place between co-villagers regarding the use of land of temple (Guga Madi). He further contends that there is an inordinate delay of 05 days in lodging the instant FIR as the occurrence took place on 23.02.2025 whereas the FIR was registered on 28.02.2025. It has been further submitted that the complainant party was the aggressor one who had caused injuries to the present petitioner, as is evident from Medico Legal Report (Annexure P-2). He further asserts that no specific injury has been attributed to the present petitioner. 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. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Anil Aggarwal, Advocate has put in appearance on behalf of the complainant and filed his Vakalatnama, which is taken on record, who seek dismissal of the instant petition on the ground that the present petitioner was specifically named in the FIR and a clear role has been attributed to him, including possessing the alleged weapon and using it to inflict injuries on the Pawan.

4. **Analysis**

Be that as it may, considering the facts that it is a case of version and cross-version wherein the complainant party had caused injuries to the present petitioner, as is evident from Medico Legal Report (Annexure P-2); there is an inordinate delay of 05 days in lodging the instant FIR as the occurrence took place on 23.02.2025 whereas the FIR was registered on 28.02.2025; no specific injury has been attributed to the present petitioner as well as the undertaking given before this Court by learned counsel for the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the investigating 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

12.05.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No