

214

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26145-2025 (O&M)
Date of Decision : 19-05-2025

Bharti Alias Bharti Garg

.....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Ritu Punj, Advocate,
Mr. Kuldeep Chaudhary, Advocate and
Mr. Manu Singla, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Kuldeep Chand, Advocate for the complainant.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
74	28.3.2024	City Ratia, District Fatehabad	323, 324, 341, 506, 34 IPC (Later on added offence u/s 326 IPC and whereas offence u/s 307 and 325 IPC deleted).

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail, second time.
2. In paragraph 19 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

“That brief facts of the case are that the present case was registered on the statement made by complainant Kulbir Singh son of Randhir Singh, resident of village Nathwan, Tehsil Ratia, District Fatehabad wherein he inter alia stated that "on 27.03.2024, he alongwith his friend Ravinder Singh son of Tarsem Singh, resident of Ward no. 17, Ratia had gone to village Sukhlampur on motorcycle bearing registration no. HR59D/0369 and at about 9/9.30 pm, when they reached in front of Fatehabad road truck union, Ratia, Bharti (present petitioner-accused) whose father's name is not known, came from behind on a motorcycle alongwith Kuldeep @ Duppa (co-accused) son of Kala, resident of Khateek Mohalla, Ratia and one other unknown boy and Bharti (present petitioner- accused) was riding the motorcycle. They stopped his motorcycle and Bharti (present petitioner-accused) who was having a knife in his hand, gave a knife blow in the back of Ravinder and on his both hands. When the complainant tried to save Ravinder, co-accused Kuldeep @ Duppa gave knife blow on various parts of his body. The unknown boy also gave injuries to them with brick bats. They were giving threats

to the complainant to kill him but on seeing the persons gathered there, all of them ran away from the spot".

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the reply, which is taken on record and also questions the maintainability of the second petition when first petition i.e. CRM-M-45814-2024 has been dismissed on merits vide order dated 27.3.2025 by this Court.

6. Counsel for the petitioner submits that earlier, the offence under Section 307 IPC was added to the offences, however, now Section 307 IPC has been deleted and Section 326 IPC has been added and as such, second petition is maintainable due to changed circumstances.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

(A). ROLE & CULPABILITY OF PETITIONER: -

(i) There are serious allegations against the present petitioner- accused Bharti alias Bharti Garg as in the present case, when complainant alongwith injured Ravinder going on motorcycle and at about 9/9.30 pm, when they reached in front of Fatehabad road truck union, Ratia, Bharti (present petitioner- accused) came from behind on a motorcycle alongwith co-accused Kuldeep @ Duppa and Manjot Singh and present petitioner-accused Bharti alias Bharti Garg gave a knife blow in the back and both hands of Ravinder (injured), lateron, injury caused by the petitioner-accused.

(ii) Petitioner has been specifically named in the FIR"

8. There are serious allegations against the petitioner. A perusal of the bail petition and the documents attached *prima facie* points towards the petitioner's involvement. The impact of crime would also not justify anticipatory bail. Moreover, insertion or deletion of offence, when the added offence is non-bailable and heinous, cannot make the second petition for anticipatory bail maintainable.

9. **Accordingly, the present petition is dismissed** on merits as well as being not maintainable. All pending applications, if any, are disposed of.

19-05-2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO