

**CRM-M-27387-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.210****Case No. : CRM-M-27387-2025****Decided On : May 27, 2025**

Rohit

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

* * *

Present : Mr. Om Malhan, Advocate
for the petitioner.

Mr. P. S. Pandher, AAG, Punjab.

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SUKHVINDER KAUR, J. :

Prayer in the present petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is for grant of anticipatory bail to the petitioner in FIR No.131 dated 05.11.2024, under Sections 115(2), 118(1), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 (Section 118(2) BNS added later on), registered at Police Station Goraya, District Jalandhar Rural.

The facts, in brief, necessary for disposal of the instant petition, are that as per the allegations made by complainant Sourav Kaul, on 05.09.2024 at about 07:00 PM, when he was sitting in his closed shop outside his house, a motorcycle (without number plate) crossed from there on which four persons were sitting. Then those persons brought the motorcycle back, looked at the complainant and again crossed them. Thereafter, they parked their motorcycle. They all were with muffled faces



and all of them were armed with *khanda*, *datar* and *kirpan*. Two of them were known to the complainant i.e. one was Rohit (present petitioner) and other was named Rajat. Rest two persons were strangers for the complainant. The petitioner – Rohit gave *khanda* blow on the head of the complainant who fell on the ground. Rajat gave *datar* blow on his right leg. Third accused gave *khanda* blow on his right leg again and fourth assailant gave *kirpan* blow on the leg of the complainant. All the assailants kept on giving blows that hit the left leg, arm, back of arm, left thigh and left side of head of the complainant, as a result of which, he fell unconscious. People present all around raised alarm and all the accused persons fled away with their weapons. The complainant was shifted to hospital. Compromise talk between the parties was also initiated but failed. It was also stated by the complainant that earlier too, both the parties had a fight and opponents were nursing grudge against him and consequently, they had tried to kill him. On the aforesaid narration of complainant and his medical record, FIR in question was registered.

Learned counsel for the petitioner vehemently contended that FIR in the present case has been registered after a long unexplained delay of almost two months. The petitioner has been falsely implicated in the present case due to previous enmity with the complainant. He submitted that nothing is to be recovered from the petitioner and he is ready and willing to join investigation. As such, he be granted concession of anticipatory bail.

Notice in this case was issued on 19.05.2025 and Status Report was called from the State, which has been filed today in Court and is taken on record.



Learned State counsel has strongly opposed the present bail petition and has contended that the petitioner has been named in the FIR and specific injury on vital part i.e. head of the complainant has been attributed to him. He submitted that as the talks for compromise were going on between the parties, delay was caused in registration of FIR, which is not fatal. He further submitted that weapons of offence are yet to be recovered and as such, custodial interrogation of the petitioner is required. Therefore, the petitioner does not deserve concession of anticipatory bail.

Heard.

A perusal of the record shows that the petitioner has been named in the FIR. There are specific allegations against him that he gave a *khanda* blow on the head of the complainant, which injury has been declared grievous in nature. There were total 11 injuries inflicted on person of the complainant, out of which, three injuries have been declared to be grievous. As per the allegations, along with other assailants, he was also a participant in causing injuries collectively to the complainant. As per Status Report, filed by learned State Counsel, there was some delay in registration of FIR as efforts for compromise were going on between the parties. So, in the facts and circumstances of the case, custodial interrogation of the petitioner is required and weapons of offence are also yet to be recovered and if custodial interrogation is denied to the investigating agency, then it will leave many gaps and loose ends in the investigation.

Accordingly, without commenting on the merits of the case, this Court is of the opinion that there is no merit in the present petition.

Dismissed.



However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

May 27, 2025
monika

(SUKHVINDER KAUR)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>