



CRM-M-28170-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28170-2025
Date of Decision: 03.07.2025

Ashok and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parminder Walia, Advocate
for the petitioners.

Ms. Trishanjali Sharma, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
178	06.05.2025	Pinjore, District Panchkula, Haryana	115/117(2)/3(5)/333/351(3) BNS 2023

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 11 of the bail petition, the accused declare that they have no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That the brief facts of the case are that on 03.05.2025 complainant namely Ashok Kumar son of Mehar Chand gave a complaint with the allegations that his neighbor Santosh Kumar son of Jageshwar is having a grudge against him for a longtime and due to which they were not talking to each other. On 27.04.2025 at around 2:00 pm his elder brother Balbir Singh was working in his field and on seeing Balbir Singh alone Santosh Kumar and his son Dhiraj alias Diyu jumped over their wall, entered the cattle shed and came to their fields and started fighting with Balbir Singh. They attacked Balbir Singh with a stick and hit Balbir on his left arm due to which Balbir Singh's arm bone was fractured. His brother got treatment in the GH Sector-6 Panchkula and information was also sent to the Police Station from there. They also convened a panchayat but of no avail. Thereafter, when they were going to complain, on their way, Ashok Kumar was seen coming from the front with his car and on seeing their car, he



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increased the speed of his car and tried to hit them. Thereafter, when the complainant was standing near the forest office outside Pinjore Police Station with his brother Balbir Singh and Harmesh Kumar, Ashok Kumar came there with his brother Santosh Kumar. When they asked them the reason for hitting them, they again started beating them and hit their brother Balbir Singh's broken arm. Ashok punched his brother Balbir Singh's nose, and Santosh Kumar hit his left eye with the bracelet he was wearing on his hand, due to which blood started flowing from his eye. Harmesh rescued them with the help of other people. Thereafter they went to the Civil Hospital Sector-6 Panchkula for treatment. Upon these allegations present FIR was registered (Annexure P-1).

4. That after registration of the present FIR, investigation was conducted in a fair and impartial manner. During the course of investigation, statement of witnesses were recorded. Crime detail form was prepared. Place of occurrence was demarcated."

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

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"13. That the role of the petitioner No.1 is that he has intentionally gave punch on the nose of the brother of the complainant, Balbir Singh, resulting into the fracture and continuous bleedings. That as far as the role of the petitioner No.2 is concerned he has intentionally/deliberately beaten up the brother of the complainant, Balbir Singh on two different occasions wherein, the brother of the complainant, Balbir Singh suffered fractures on nose and on left arm."

7. Though the petitioners have been attributed injuries on the person of the brother of the complainant, but given the nature of offence, petitioners are entitled for bail.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.



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10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioners shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. It is clarified that if the petitioners violate any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioners move for deletion or dilution of any bail conditions, the trial court is empowered to do so.



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16. ***This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.***

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

03.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.