

CRM-M-35333-2025
DECIDED ON: 08.07.2025

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kamal Narula, Advocate
for the petitioners.

Mr. J.S.Rattu, DAG, Punjab.

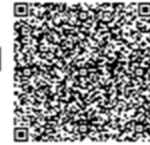
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SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioners in FIR No.76, dated 13.04.2025, under Section 115(2)/191(3)/190 of BNS (offence under Section 304 of BNS added later on), registered at Police Station Guruharsahai District Ferozepur.

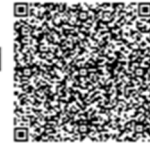
2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Sandeep Kumar son of Sh. Krishan Lal resident of Ward No.3, Street No.12, Adarsh Nagar, Mandi Guruharsahai, aged about 38 years, District Ferozepur, Mobile No.79863-82636. Stated that I am resident of abovesaid address and doing a work of truck operator. Some days ago, my empty canter bearing No. PB03-AX-3314 was stopped down towards the flyover of Mandi Guruharsahai and in the shelter of camper Jatinder Kumar son of Krishan Lal, Sourav son of Satpal, Satpal



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son of Ranjha Ram, Kali son of Lekh Ram, Raj Kumar son of Ranjha Ram, Sonu son of Ashok Kumar residents of Guruaharsahai, District Ferozepur and some unknown persons were selling packet of intoxicant white powder then on that I stopped them to doing so, and said that I will complaint to the police, then they start using abusive language and while going they threatened me to kill and after that I loaded my canter from the rice mill of Parshotam Lal and Company Guruaharsahai and on dated 28.03.2025 I gone outside from Guruaharsahai and on dated 31.03.2025 I reached at about 01:00 AM at Guruaharsahai alongwith my canter loaded with DOC of M/s Shri Ram Solvax. The canter was not unloaded, so I slept in the canter. On the next day, I unloaded the canter and took Rs.8500/- from Shri Ram Solvax and took Rs.7300/-from sheller other Parshotam Lal and Company. I owner Was having Rs.5000/- already with him and thus, I have Rs.20000/- with him in total and thereafter I parked my empty canter at Canter Union Guruaharsahai, where Kishan Lal my neighbor met me there and after long talk with each other at about 06:00 PM I and Kishan Lal son of Mohan Lal Guruaharsahai, resident of Adarsh Nagar, we both start walk at Grain Market Guruaharsahai and after walk we sat far from the Union and start using our mobile phones. Then in the meantime, Sonu son of Ashok Kumar armed with Kappa, Krishan son of not known armed with baseball, Jatin son of Kishan armed with Iron Axe, Sourav son of Satpal armed with handle of spade (Kahi), Satpal son of Ranjha Ram armed with baseball and Kali son of Lekh Raj armed with sword and 3-4 unknown persons came, I saw that Raj Kumar son of Ranjha Ram was armed with Sword, who threatened to Kishan Lal by showing sword that go back otherwise you will also be died. He go back under threat and on that Sourav son of Satpal raised Lalkara that he stopped us for selling intoxicants, let teach him lesson for stop us to doing so. On that Raj Kumar son of Ranjha Ram gave his armed sword upon



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me, on that I put forward my right arm to escape myself, on that sword hit upon the nail of adjoining finger of thumb of my right hand and Kali son of Lekh Raj gave his iron rod upon me which hit upon my left arm and Kishan Lal gave his armed baseball upon me which hit upon the back of my neck and in the meantime Jatin son of Kishan Lal gave his axe (kuhara) upon me with intention to kill which hit upon the back of my head and I fell down on the earth and my companion Kishan Lal raised alarm Mardita-maridta, on that Sourav son of Satpal has forcibly took all the money from pocket of my wearing trouser when I was lying in the injured condition. Then they all persons also gave internal injuries and after seeing the gathering of people they ran away from the spot with their respective weapons. Then my companion Krishan Lal called my brother Raman Kumar and after some time he reached at the spot and arranged the vehicle and admitted me to Private Hospital HKN Guruharsahai, where doctor referred me after gave first aid upon the injury of my head. Then my brother Raman Kumar and my companion Kishan Lal admit me at Civil Hospital Ferozepur. But due to the injuries, X-ray of my head was done and referred me at Guru Gobind Singh Medical College Faridkot for treatment. Where doctor discharged me after treatment. The reason behind the occurrence is that I stopped them for selling intoxicants below the canter. These persons with the connivance of each other gave injuries to me. Legal action be taken against us and justice should be given to me. Statement is record, heard it is correct. Sd/”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioners contends that there is an unexplained delay of 13 days in lodging the FIR. Learned counsel further submits that there is no grievous injury upon the person of the complainant and



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as per prosecution story, the petitioners snatched Rs.20,000/- from the complainant after hitting him upon his back and neck.

On behalf of the State

Learned State Counsel appearing on advance notice, opposed the grant of anticipatory bail to the petitioners on the ground that they were armed with lethal weapons and were specifically named in the FIR in question.

4. Analysis

Be that as it may, considering the fact that the injuries attributed to the petitioners were simple in nature and there is a delay of 13 days in lodging the FIR in question. Moreover, there is a contradiction in the statements of the complainant and petitioners are willing to join the investigation and cooperate with the investigating agency. Therefore, this Court finds no reason to deny them the benefit of anticipatory bail.

5. Decision

In the light of above, the petitioners are directed to be released on anticipatory bail subject to their joining investigation with the Investigating Officer concerned within a period of 10 days from today, on furnishing of personal/surety bonds to his satisfaction. The petitioners 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-



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- (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 petitioners do not comply with the aforesaid direction of joining the investigation within a period of 10 days, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

08.07.2025
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No