

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-36028-2025
Reserved on: 01.08.2025
Pronounced on: 19.08.2025

Ravi Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.D.Yadav, Advocate with
Ms. Deepika, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
548	08.12.2024	City Narnaul, District Mahendergarh	115(2)/126(2)/190/191(3)/ 324(5)/351(3) BNS, 2023 (Section 109(1) of BNS added later on)

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.
2. Per paragraph 16 of the bail application, the accused has massive criminal antecedents.
3. The facts and allegations are taken from para 4 of the reply, which reads as follows:

“4. That the brief facts of the case are that on 06.12.2024. ASI Devender Singh alongwith Ct. Mohit no. 431/NNL with govt, vehicle was on night patrolling duty and present in the territorial area of Police Post. Mahavir Chowk. Narnaul, then a telephonic message was received from Police Post that Pardeep Kumar son of Dharambir, r/o Bhir. P.S. Buhana, District Jhunjhunu (Rajasthan) is admitted in Govt. Hospital, Narnaul after suffering injuries in GH. Narnaul and obtained the MLR no.NKY/MLR/313/NNL/2024 dated a fight. After receiving the information, the investigating officer reached at 06.12.2024 pertaining to injured Pardeep Kumar (Copy of MLR of injured Pardeep Kumar is annexed herewith as Annexure R-1) wherein doctor has mentioned three injuries, injuries no.1 and 2 advised x-ray ortho opinion and injury no.3 NCCT Head surgeon

opinion by blunt and the injured was already referred to higher centre in MLR. Thereafter, the investigating officer made the contact on the mobile number mentioned in the MLR who told that after getting treatment they will come at Police Post and will give an application for taking further action. On 08.12.2024. ASI Devender Singh alongwith Ct. Mohit no. 431/NNL was present on the gate of Police Post, Mahavir Chowk, Narnaul when Ankit son of Umed Singh appeared and moved an application before the investigating officer with the allegations that on 6.12.2024 at about 8.00/9.00 pm, he alongwith Pardeep @ Sanjay, Manager and Pardeep were present in the hotel and Pardeep 60 Sanjay. Manager was sitting at the receptionist of the hotel. Meanwhile, three boys entered the house and out of them one boy returned back and thereafter, he along with 7-8 boys having Dandas and Farsa (sharp-edged weapon) entered the hotel and gave beatings to Pardeep @ Sanjay, Manager. On hearing the noise, he and Pardeep came outside and noticed Pawan while causing injuries to Pardeep @ Sanjay with Danda and remaining causing injuries to Pardeep @ Sanjay with Danas and Farsa. All the assailants caused damage to his bolero camper having Chassis No. MAIRU4JNKR5F53116 and motorcycle bearing registration No.RJ-18MS-7196 with Dandas and Farsa. All the assailants while leaving the spot also threatened to kill them and the complainant made the request to take strict legal action against the culprits. From the contents of above complaint as as well MLR no.NKY/MLR/313/NNL/2024 dated 06.12.2024 pertaining to injured Pardeep Kumar, the offence punishable under sections 115 (2), 126 (2), 190, 191 (3), 324 (5), 351 (3) of BNS. 2023 was made out whereupon the investigating officer sent a writing (tehrir) to police station through Ct. Mohit for registration of the case and on the basis of the said tehrir, the present case vide FIR no.548 dated 08.12.2024 u/s 115 (2), 126 (2), 190, 191 (3), 324 (5), 351 (3) of BNS, 2023 was registered at P.S. City Narnaul against the culprits and investigation was launched.”

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 petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

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

“15.That there is sufficient material on record to construe prima-facie involvement of the petitioner in commission of offence. It is not a case where ex-facie no case is made out for implicating the petitioner in commission of inflicting the injuries to injured Pardeep Kumar. Though the evidence is to be assessed and evaluated by the trial court during trial, however keeping in view the nature and gravity of the offence and heinousness of the crime and also the manner in which offence has been alleged to have been committed, at this stage petitioner is not entitled for anticipatory bail. Right now, there is no reason to disbelieve the prosecution version. The case is of serious nature.”

REASONING:

8. The allegations against the petitioner are not only of causing injuries but there is sufficient evidence that he had dragged the complainant from the hairs along with co-accused and after that the complainant/victim was brutally beaten up. Petitioner's criminal antecedents point out towards criminal bent of mind and if this Court grants anticipatory bail to the petitioner, there is all likelihood of petitioner repeating the offense. Further, it would send a very wrong message to the society.

9. The petitioner acted with cruelty which is corroborated with the nature of injuries.

10. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.¹ The offense is heinous, and the crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

11. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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

¹ In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

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13. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.