



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

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CRM-M-36955-2025

Date of decision: 16.07.2025

Amit Kumar @ Tunda

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rakesh Gupta, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.101 dated 12.05.2025 under Sections 115(2), 126(2), 190, 191(3), 351 and lateron added Section 110 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Kotwali Patiala, District Patiala.

2. Learned counsel for the petitioner submits that although the petitioner has been named in the FIR in question, however, the FIR is completely silent with respect to any specific injury inflicted by him upon the complainant. It has been submitted that it was co-accused Akash Kumar, who allegedly had an axe to grind with injured Ankit Kumar i.e. strained relations on account of Panchayat Elections. Learned counsel submits that in the circumstances and in view of totally vague allegations levelled in the FIR in question (Annexure P-1), the petitioner deserves to be extended the concession of anticipatory



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bail moreso when he has no previous criminal antecedents.

3. Notice of motion.

4. On asking of the Court, Mr. H.S. Deol, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

5. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite and reiterated the allegations levelled in the FIR, annexed as Annexure P-1, and reproduced hereinunder:-

*“At this time, a statement of Harjot Kumar alias Happy son of Naresh Kumar resident of # 298/1, Daru Kutia Mohalla, Patiala, aged about 30 years, M.No.98881-23938 written by SI Puran Singh no.399/Ptl., Division No.02, Patiala for registration of case against Akash Kumar alias Budla, Vishal Kumar alias Behra sons of Pappu, Rahul Kumar son of Bikram Kumar, **Amit Kumar alias Tunda** son of Manoj Kumar residents of Daru Kutia Mohalla, Sular Road, Patiala, Manpreet Singh resident of Guru Teg Bahadur Colony, Sular Road, Patiala and 3-4 unknown persons has been received at Police Station by hand through P.H.G. Gurdarshan Singh No.18486, the contents of statement are that, "Stated that I am resident of above mentioned address and is doing A.C. Repair work. On the night of 10-05-2025, I and my friend Ankit Kumar alias Chota son of Charan Dass resident of # 86, Amar Darshan Colony, Sular Road, Patiala had gone to the cart of Sohan Singh near Ragho Majra bridge for bringing chicken. At about 9:30 P.M., Akash Kumar alias Budla, Vishal Kumar alias Behra sons of Pappu, Rahul Kumar son of Bikram Kumar, **Amit Kumar alias Tunda** son of Manoj Kumar residents of Daru Kutia Mohalla, Sular Road, Patiala, Manpreet Singh resident of Guru Teg Bahadur Colony, Sular Road, Patiala and 3-4 unknown persons came on their motorcycles, who were carrying Dandas, baseballs in their hands, who encircled Ankit Kumar alias Chota and started beating him. Akash Kumar alias Budla picked up an interlock tile lying alongside the road and hit it into the head of Amit Kumar, from whose head, the blood started oozing and the other boys accompanied him gave beatings to him, who threatened them to kill Ankit Kumar. I and the other passersby rescued Ankit Kumar from their clutches. A huge crowd gathered on the spot. Akash Kumar alias Budla and the*



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boys accompanying him fled away from the spot on their motorcycles. The cause of enmity is that Ankit Kumar alias Chota had not casted votes as per the sayings of Akash Kumar alias Budla at the time of elections for M.P. Due to serious injury in the head of Ankit Kumar alias Chota, he is admitted in I.C.U. of Rajindra Hospital, Patiala. He is not speaking anything since 10-05-2025. Today you have recorded my statement outside I.C.U. Ward, Rajindra Hospital, Patiala. I have heard my statement, read over, which is correct. Sd/-Harjot Kumar. Statement supported by Sd/-Aniket. Attested Sd/-Puran Singh SI, Division No.2, Ptl. dated 12.05.2025.”

6. Learned State counsel, on instructions, has submitted that a bare perusal of the FIR reveals that it was a premeditated attack carried out by all the accused, including the petitioner, who is not only specifically named but it has also been categorically stated in the FIR that all the accused, including the petitioner, were armed with *dandas* and baseball bats; after encircling injured Ankit Kumar, without any provocation started brutally assaulting him as a result of which he sustained multiple injuries, including two grievous and serious injuries on his head. Learned State counsel has , on instructions, has submitted that the condition of injured Ankit Kumar continuous to be precarious and the doctors have given a categoric opinion that there is serious threat to his life.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. This Court concurs with the submissions made by the learned State counsel that it *prima facie* was a premeditated attack carried out by all the accused, including the petitioner, who without any provocation mercilessly and brutally assaulted injured Ankit Kumar;



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furthermore, the ocular testimony finds prima facie corroboration with the medico legal reports of injured Ankit Kumar also. Although it has been asserted that the petitioner has no previous criminal antecedents, it would definitely come to his rescue in view of the mode and manner in which the crime in question has been given effect to.

9. In view of the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.07.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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