

2025:PHHC:094680



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

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CRM M-37005-2025

Date of Decision:24.07.2025

Zoyal Masih @ Joel Masih @ Joel ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Umesh Aggarwal, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 482 of BNSS, 2023 with a prayer to grant pre-arrest bail to him in case FIR No.115 dated 13.06.2024 registered under Sections 323, 341, 342, 506, 148 and 149 of IPC (Sections 325/365 IPC added later on) at Police Station Kotwali Patiala, Patiala.

2. The FIR in the present case has been registered on the basis of the statement made by Sahil Masih and the same has been reproduced below:-

“Statement by Sahil Masih s/o Late James Masih r/o Quarter No. E-3 Government Medical College, Rajindra Hospital, Patiala, aged about 26 years, M:

No. 99886-35292 in written to ASI Gurmail Singh 2928/Patiala: Police Station Kotwali Patiala to register case against Parminder Singh alias Lavi R/o village Chuaharpur District Patiala, Anjali W/o Sahil Masih, Daniel Masih, Joel Masih R/o Mathura Colony Patiala and Rohit Kapoor resident of Markal Colony Patiala through constable Harnam Singh 2865 was received in police station. The statement is as follows: Stated that I am a resident of the above said address. I work as a photographer. We are three brothers and sisters. I am the eldest, my younger sister Sussain is about 16 years old and sister Manisha is 15 years old. I was married to Anjali Goyal aged about 24 years, about 9 years ago, we had a son Ashish aged about 3 years. Me and my wife Anjali Goyal have not been in good terms since January 2024, I and Anjali have decided to get a divorce by mutual consent for about 5 months ago and have also filled a case regarding the divorce in the Hon'ble court of Sh. Manish Arora, Additional Session Judge, Patiala. The next date of hearing is fixed on 23.07.2024. Yesterday on 12.06.2024, Parminder Singh alias Lavi r/o village Chuaharpur Patiala, ex-president Truck Union Patiala called my mobile number 99886-35292 from his mobile phone number 78142-48848 at around 9 o'clock in the night and asked me to come to the house of Anjali i.e Mathura Colony, Patiala, if you don't come home then they will kill my son Ashish Masih aged about 3 years from the balcony. Then I with my friend Ladi r/o Badungar District, Patiala on his motorcycle Splendor went to Mathura Colony Patiala and on the way time around 9-30 PM, when I reached Iqbal Inn Hotel Patiala near Rajpura Road, Patiala, Parminder Singh alias Lavi

along with my brother in law Daniel Mash, Joel Mash, uncle (massad) Rohit Kapoor r/o Markal Colony, Patiala surrounded me and beaten me, Parminder Singh alias Lavi hit my left leg and arm with an iron rod and I fell to the ground. My friend Laddi seeing me being beaten ran away in fear to save his life and Parminder Singh alias Lavi and the two persons with him picked me up against my will and Parminder Singh alias Lavi put me on his motorcycle Platina and forcibly took me to my in-laws house in Mathura Colony Patiala, where they locked me in a room in the house. My wife Anjali also joined and my wife Anjali and they beat me. They threatened to kill me, they hit my nose, mouth, chest, back and my mouth and nose started bleeding. About this incident, my friend Laddi told my mother Monika to her mobile number 7986430926 from his mobile phone number 86996-55247 and my mother Monika informed the police control room Patiala number 100 from her mobile phone number 88723-62674. Then a police party came at Mathura Colony Patiala, who rescued me from them and then they were taking me in an e-rickshaw to the police station on the way Outside where I met my mother Monika with other relatives so my mother Monika brought me in a vehicle and admitted me to Rajindra Hospital, Patiala for treatment, where I am undergoing treatment. The main reason of grudge is that my wife Anjali and her friend Parminder Singh alias Lovi harass me and want to kill me. My wife Anjali and her friend Parminder Singh alias Lavi had beaten me up earlier also, about which Case No. 22/Year 2024 has been registered at Police Station Urban Estate Patiala. Legal action should be taken against Anjali, Parminder Singh

alias Lavi, Daniel Masih, Joel Masih, uncle-in-law (massar) Rohit Kapoor and justice be served to me. This statement is reduced to writing by me in front of my mother. Statement has been reduced in writing, read over to me and is correct. SD/ Sahil Masih.”

3. Learned counsel for the petitioner contends that even though the petitioner has been named in the FIR, but the FIR does not contain any specific allegations against the petitioner nor any particular weapon or role has been attributed to him. In fact, the complainant Sahil Masih was having a matrimonial dispute with Anjali, sister of the petitioner. Sahil Masih and Anjali got married nine years ago and the divorce case was pending before the Courts at Patiala. Thus, the FIR has been got registered by the complainant to derive undue advantage in the matrimonial dispute pending between the parties. He further contends that the lodging of the FIR appears to be a calculated move to prejudice the proceedings and to misuse the process of the law. Learned counsel further refers to the order (Anexure P-2) to contend that Shivam Kapoor @ Rohit Kapoor and Anjali, have been granted the concession of anticipatory bail and the petitioner is entitled to the same relief being identically placed.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner alongwith his co-accused had caused serious injuries on the person of Sahil Masih and he was also abducted by them. Even, the petitioner gave fists blows on the

nose and also gave blows at the back side of his head and the back side of his right ear. Even, a specific role was assigned to him in the supplementary statement of the complainant (Annexure R-2/T). Even, during the course of investigation, the medical record of the complainant was obtained and it was found that the complainant had suffered fracture of bilateral nasal bone, fracture of right tibia, fracture of left ulna and fracture on frontal process of maxilla. Subsequently, the offence under Section 325 IPC was added in the present case. In the reply, it has been mentioned that the following incriminating evidence was collected against the present petitioner:-

“(i) The video recording (Annexure R-1) clearly shows that complainant is sitting while being covered in blood and petitioner alongwith accused Daniel Masih, Parminder Singh alias Lavi etc. arguing with investigating officer and resisting the complainant from going outside the house of his in-laws.

(ii) The aforementioned statement of eye-witness Parvinder Singh alias Laddi clearly corroborates the statement of complainant against the petitioner and his co-accused persons”.

Thus, the custodial interrogation of the petitioner will be required to recover the weapon of offence, i.e., iron rod and the motorcycle used by the petitioner and his co-accused.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner has placed reliance on the orders dated 19.12.2024 and 03.05.2025 (Annexure P-2) passed

by this Court in CRM M-58012-2024 and CRM-M-23864-2025, whereby, Shivam Kapoor @ Rohit Kapoor and Anjali have been granted the concession of anticipatory bail by this Court. However, no specific role was assigned either to Anjali or to Shivam Kapoor @ Rohit Kapoor. Thus, taking into consideration the said fact, the concession of anticipatory bail was allowed to both of them. However, the case of the petitioner is on different footings as a specific role has been assigned to him. The petitioner gave fist blows on the nose, and thereafter, gave kick blows at the backside of his head and the backside of right ear of the injured. As per the X Ray report, the injured had suffered fracture of bilateral nasal bone. Thus, the injury which was caused by the petitioner has been declared to be grievous in nature. Apart from that, the police is yet to recover the iron rod and the motorcycle which were used by the petitioner in the crime. Thus, keeping in view the gravity of the allegations as well as need for custodial interrogation, the present petition deserves to be dismissed by this Court.

7. Dismissed.

24.07.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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