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

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**CRM-M No.38325 of 2025
Date of decision: 19.08.2025**

Surmu

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Virendra Pratap Singh, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

Mr. A.P. Singh, Advocate,
for respondents No.2 and 3.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in case arising out of FIR No.94 dated 25.04.2024 registered under Sections 326, 323, 506, 148, 149 and 34 of IPC (Sections 307 and 201 of IPC added later on) at Police Station Dasuya, District Hoshiarpur. The first petition as filed by the petitioner bearing CRM-M No.37668 of 2024 had been dismissed vide order dated 05.08.2024.

2. As per the allegations, on 19.04.2024, the complainant along

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with his relatives had gone to attend a marriage of his relative at Village Kaluwal. The petitioner along with the co-accused Ranjha and Yakoob @ Saifu had reached there. All three of them had started hurling abuses but were stopped by the relative of the complainant. They had left the spot but came back after sometime and then the accused Tajdeen made an exhortation to not to spare the complainant Neefu and thereafter the petitioner and co-accused Ranjha caught hold of the complainant whereas the accused Yakoob struck a blow with a khanjar in his abdomen with intent to kill him. Mukhtiar Ali who had come for rescue of the complainant also sustained injuries at the hands of the assailant Saifu. The petitioner and the co-accused then fled from the spot. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner filed an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Hoshiarpur vide order dated 23.07.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The injury on the person of the victim has not been attributed to him. Infact, a sudden altercation had taken place due to some misunderstanding. The petitioner was empty handed. He never caught hold of the complainant. A compromise has been arrived at between the parties. The co-accused Yakoob @ Saifu has been extended benefit of regular bail. He is ready to join the

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investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent No.1-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of pre arrest bail.

5. Learned counsel for the complainant, on the other hand, has affirmed the factum of compromise having been arrived at between the parties and has no objection, if the petition is allowed.

6. This Court has considered the rival submissions.

7. The petitioner along with the co-accused is alleged to have assaulted the victim Neefu on 19.04.2024. No specific injury has been attributed to the petitioner and the allegations against him are that he had caught hold of the complainant at the relevant point of time. The petitioner had placed on record Annexure P-2 copy of a compromise shown to have been arrived at between him, co-accused and the complainant. Though no authenticity can be attached to this document at this stage, however, keeping in view the nature of attribution made to the petitioner, the fact that the injury that has been declared dangerous to life has not been attributed to him but to the co-accused who has since been extended benefit of bail and the attendant facts and circumstances but

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without meaning to make any comment on the merits of the case, this Court is of the considered opinion that pre trial incarceration of the petitioner is not required and that cannot be made a replica of post conviction sentencing. As such, a case is made out for granting benefit of pre arrest bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and shall join investigation and on his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to its satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.

19.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No