



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-49054-2025

Date of Decision : 05.12.2025

JATINDER KUMAR @ JUGNI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Sahil Kaundal, Advocate for
Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail has been filed by petitioner, an accused in case bearing FIR No.68 dated 10.07.2025, registered against him at Police Station Mehtiana, District Hoshiarpur, u/s 115(2), 118(1), 126(2), 351(2), 191(3), 190 of BNS.

2. Status Report dated 04.12.2025 by way of affidavit of Mr. Palwinder Singh, Deputy Superintendent of Police, Sub-Division Chabbewal, District Hoshiarpur, has been filed on behalf of the respondent-State, which is taken on record. In para 6 thereof, the factum of petitioner having joined the investigation, as also cooperating in the same has been mentioned.

3. On 16.09.2025, following order was passed.

“1. *Petitioner, an accused in case FIR No.68 dated 10.07.2025 registered against him, at the instance of Sandeep Kumar, for commission of offences punishable under Sections 115(2), 118(1), 126(2), 351(2),*



191(3), 190 of BNS, at Police Station Mehtiana, District Hoshiarpur, has prayed for grant of pre-arrest bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Sandeep Kumar, son of Balwinder Kumar, resident of Village Mana, Police Station Mehtiana, District Hoshiarpur, earning his livelihood by working as a steel fixer, set the criminal law in motion, by filing complaint pointing therein that at about 10:30 P.M. on 08.07.2025, he was sitting outside his house, when he received a call from his younger brother Paramjit Singh, who lives in Bhatrane, intimating him (complainant) that he (Paramjit) had left the steel fixer's tool (bag etc.) near the side of Guru Ravidas Gurdwara Sahib of the village and requested him (complainant) to pick the tools from the said place. When he reached at the disclosed place, suddenly 10 youths arrived on four motorcycles. Manish Kumar, son of Tej Pal, Jagdeep Kumar and Jatinder Kumar alias Jugni (present petitioner) both sons of Kasturi Lal, resident of Village Mana were also seen by him, exhorting the unidentified youth on the motorcycles to unleash an attack. Before he (complainant) could react, the unidentified youths, some of whom, were holding swords, kirpans etc. surrounded and repeatedly assaulted him. When he raised an alarm, all the miscreants fled away but not before issuing a threat to kill him. He was rushed to the Civil Hospital, Hoshiarpur, where medical treatment was given to him. Primarily with this backdrop, he requested the police officials to catch hold of the assailants who had unleashed an attack at the instance of Manish Kumar, Jagdeep Kumar and Jatinder Kumar (petitioner), as also to initiate appropriate legal proceedings against him. On the basis of the said complaint, aforementioned FIR was registered.

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the Additional Sessions Judge, Hoshiarpur, which was dismissed vide order dated 19.07.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel submits that petitioner has been falsely arrayed as accused in the present case. In fact, the present FIR is a counterblast to an earlier incident, in which the brother of the petitioner,



namely Jagdeep Kumar was mercilessly assaulted at about 10:30 P.M. on 13.04.2025 by Sahil etc. In the said incident, Jagdeep Kumar suffered serious injuries. Even though the matter was reported to the police, but no action was taken. Resultantly, the brother of the petitioner filed CRM-M-34404-2025 seeking directions to the police authorities to initiate appropriate action. While disposing of the said petition on 07.07.2025, this Court had directed the respondent No.2-Senior Superintendent of Police, Hoshiarpur to consider and decide the complaint vide G.No.019 dated 10.05.2025, filed by the petitioner, in accordance with law, within a period of 4 weeks. Consequent thereto, FIR No.84 dated 31.07.2025 under Section 115(2), 126(2), 3(5) of BNS was registered.

Continuing further, learned counsel submits that complainant party, who were unhappy with this development, were on the lookout of an opportunity to level scores with petitioner and his brother, thus fabricated the facts and got the present FIR lodged.

The next leg of submission raised by learned counsel for the petitioner is that even if the story as portrayed by complainant in the complaint is taken to be true at its face value (though not admitted), the only role attributed to him is that he exhorted others to unleash an attack. In fact, the entire incident was captured in the CCTV cameras installed near the site, in which petitioner cannot be seen, which itself indicates his false implication. The fact that co-accused similarly situated has since been granted the concession of bail by the learned JMIC, Hoshiarpur in terms of the order dated 03.09.2025. Further, as per learned counsel when seen in the light of the discussion made above, petitioner has been able to make out a case for grant of pre-arrest bail in his favour. Learned counsel submits that when appreciated in the light of above submissions, as also the fact that presence of petitioner for custodial interrogation is not needed. Prayer for allowing the petition was made.

5. *Status report dated 15.09.2025 by way of affidavit of Mr. Palwinder Singh, PPS Deputy Superintendent of Police, Sub Division Chabbewal, District Hoshiarpur has been filed by learned State counsel. In para 4 thereof, it has been pointed out that co-accused Jagdeep Singh (brother of petitioner) and Manish Kumar, who were arrested on 27.08.2025 and 05.09.2025, respectively, disclosed that petitioner had*



hired the unknown persons to assault complainant. Thus, as per learned State counsel, the presence of the petitioner is needed for custodial interrogation to find out the details of those unidentified assailants. Prayer for dismissal of the petition was prayed.

6. *Heard. Documents on record perused.*

7. *From the documents on record, it can be inferred that brother of the petitioner, who was seriously assaulted by complainant and others on 13.04.2025 had been requesting the police officials to initiate criminal proceedings against those who had brutally assaulted Jagdeep Kumar (his ear drum was totally damaged). Since the police officials did not pay any heed, a criminal miscellaneous No. CRM-M-34404-2025 was filed vide which authorities were directed to consider and decide the complaint vide G.No.019 dated 10.05.2025 filed by the petitioner, in accordance with law, within a period of 4 weeks. Only after directions were given by this Court that FIR No.84 dated 31.07.2025 under Section 115(2), 126(2), 3(5) of BNS was registered against Sahil etc. In the case in hand, admittedly, no injury has been attributed to the petitioner. The role assigned to him is that he exhorted others to unleash an attack on complainant and that he was the person, who hired those assailants. This fact has emerged from the disclosure statement of the other co-accused. In the absence of any other connecting material on record, the said disclosure statement is a very weak type of evidence.*

In view of the discussion made hereinabove, the Court is of the opinion that petitioner has been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extraordinary relief of pre-arrest bail. Accordingly, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) BNSS.

Adjourned to 14.10.2025."

4. Keeping in view the fact that petitioner has joined the investigation, interim bail granted vide order dated 16.09.2025 is hereby confirmed, subject to



conditions as envisaged under Section 482(2) BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 5. The petition stands allowed.
- 6. Pending application, if any, also stands disposed of.

(AARADHNA SAWHNEY)
JUDGE

05.12.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No