

2025 PHHC 159408



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

CRM-M-58023-2025 (O&M)

Reserved on : 06.11.2025

Pronounced on : 18.11.2025

Mohammad Sai @ Gulaabdin @ Gama @ Mochi @ Gulab Deen**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. S. K. Choudhary, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J.

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks grant of anticipatory bail in case arising out of FIR No. 98 dated 29.05.2025, registered under Sections 115(2), 118(1), 109, 351(2), 190 and 191(3) of BNS, 2023 at Police Station Dasuya, District Hoshiarpur.

2. The aforementioned FIR was registered on the basis of the statement recorded by complainant Bholuddin alleging that on 21.05.2025, he along with his father had gone to the house of Murad Ali at village Chhota Gambowal to attend a *Langar* programme and when at about 06:30 PM, he came out of his house, accused Faryad Ali @ Ghalla waylaid him and proclaimed that he would teach him a lesson for messing with him. In the meantime, the petitioner, co-accused Mohammad Gama, Mohammad Sami @ Samsa, Mohammad Safi and Anju also reached there and opened an attack

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upon him. The petitioner injured his left arm by striking a blow with a sickle. The remaining assailants also caused injuries to him. He had fallen down. They also gave kick blows to him. On clamour being raised by him, he was rescued by his father and other public persons, who reached at the spot and then the assailants fled away. The cause of grudge was that the petitioner had abducted a female relative of the complainant and the custody of the girl was handed over to her family members with the help of the police. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Sessions Judge, Hoshiarpur but the same had been dismissed, vide order dated 28.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of 08 days in lodging of the FIR, which has not been satisfactorily explained. The provisions of Section 109 of BNS, 2023 are not attracted at all in this case. In fact, his family members were falsely implicated in this case in a case of abduction/kidnapping and a cancellation report was filed in the said case. The complainant was having grudge due to that reason. The injury that has been attributed to him was opined to be simple in nature and was on the non-vital part of the body. There is no bone injury. No injury dangerous to life has been opined to be sustained by the victim. The petitioner is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

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4. Status report has been filed by the respondent-State. Learned State counsel has argued that there are serious and specific allegations against the petitioner, who by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof has voluntarily caused simple as well as grievous injuries on the person of the complainant and made an attempt to kill him. The petitioner has criminal antecedents. Recovery of weapon of offence is to be effected from him. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions of both the sides.

6. The petitioner is alleged to have caused injury on the left forearms of the complainant with a sharp edged weapon. This injury has been opined to be simple in nature. The petitioner has placed on record Annexures P-2 and P-3, which are photocopies of medical opinions given with regard to the injuries sustained by the complainant and the same show that none of the injuries so sustained by the complainant has been found to be dangerous to life. Keeping in view the part attributed to the petitioner, the severity of the allegations, the nature of the injuries sustained by the complainant and the attendant facts and circumstances of the case, this Court is of the considered opinion that a case for grant of concession of anticipatory bail to the petitioner has been made out. It is well settled that pre-trial incarceration of the petitioner cannot be replica of post sentence period. Hence, no purpose would be served by detaining the petitioner in custody. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of

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BNSS. He is directed to appear before the Investigating/Arresting Officer to join investigation within a period of one week from today or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

18.11.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No