



CRM-M-65202-2024(O&amp;M)

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

136+222

CRM-M-65202-2024(O&amp;M)

Date of decision: 13<sup>th</sup> January, 2025

Sanchit @ Janu

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. N.S. Goraya, Advocate for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

Mr. Sartaj Singh Thakur, Advocate for the complainant.

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**MANISHA BATRA, J (ORAL):-****CRM-858-2025**

This application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the applicant for addition of Sections 117(2) and 118(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') in the headnote and prayer clause of the petition.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions.

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Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks anticipatory bail in case FIR No. 199, dated 21.08.2024, registered



under Sections 109(2), 115(2), 118(1), 126(2), 3(5), 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Rama Mandi, District Police Commissionerate, Jalandhar.

2. As per the prosecution case, the aforementioned FIR has been registered on the basis of the statement got recorded by complainant Akashdeep Singh on 21.08.2024 alleging therein that on the night of 19.08.2024, petitioner Janu and accused Arun had intercepted him while he was riding an active vehicle. They had pulled the key of his vehicle and had opened assault upon him. The petitioner struck a blow with a *Gandasi*, thereby injuring his left hand. Accused Arun hit his chest with a baseball. They had come in a car. The co-accused Sunny and Gagan had then alighted from the said car and Gagan struck a blow on the back of the complainant with a baseball, whereas a blow with a *datar* was given by co-accused Sunny. Thereafter, they started extending beatings to him. His sisters were attracted at the spot on hearing clamour and reached there to save the complainant and then the assailants fled away. The motive attributed to the assailants was that some days back, they had misbehaved with the sister of the complainant, while she was going on an Aactiva vehicle and the complainant had stopped them from doing so. After registration of 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 Additional Sessions Judge, Jalandhar but the same has been dismissed, vide order dated 21.11.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in



this case. There is inordinate and unexplained delay of two days in reporting the matter to the police. The injuries sustained by the complainant were on non-vital part of the body and are simple in nature. The co-accused Gagan whose case is on similar footing has been extended benefit of anticipatory bail. On parity, he too deserves same benefit. The petitioner has clean antecedents. He is ready to join the investigation. No recovery is to be effected from him. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Learned State counsel is ready to argue the matter without filing reply. She is assisted by learned counsel for the complainant and has submitted that there are serious allegations against the petitioner who in connivance with the co-accused had caused simple as well as grievous injuries to the complainant. Injury, on the left arm of the complainant with a sharp edged weapon i.e. a *gandasi*, is attributed to him. His custodial interrogation is required for conducting thorough investigation in the matter. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have caused simple as well as grievous injuries to the victim. The injuries which have been attributed to him, however, are not grievous in nature. The co-accused Gagan, whose case is on similar footing, has been extended benefit of pre-arrest bail. Keeping in view the nature of allegations, part attributed to the petitioner and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof lest the same



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prejudices the trial, I am of the considered opinion that the petitioner deserves to be extended benefit of pre-arrest bail. Hence, the petition is allowed and the petitioner is ordered to be extended benefit of pre-arrest bail, subject to his surrender before the learned trial Court within a period of one week from the date of passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.

(ii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**[MANISHA BATRA]**  
**JUDGE**

**13<sup>th</sup> January, 2025**

*Parveen Sharma*

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*  
: *Yes / No*