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

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**CRM-M-68182-2025 (O&M)
Date of decision: 03.12.2025**

PARDEEP KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

YASHVIR SINGH RATHOR. J.(Oral)

1. Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.396 dated 19.10.2025, under Sections 115(2), 126(2), 296, 351(2), 3(5) of BNS, 2023 and later on Section 109(1) of BNS has been added and Section 115(2) has been deleted, registered at Police Station City Fatehabad, District Fatehabad.
2. Notice of motion. Ms. Vasundhara Dalal Anand, Sr. DAG Haryana, has appeared and accepted notice on behalf of the State.
3. I have heard learned counsel for the parties and material on file has been perused.
4. The present case was registered on the basis of statement given to the police by Shiv Kumar with the allegations that one Krish who is a friend of present victim namely Kartik was having a fight with Vishal, Ajay Khalifa and others, and victim Kartik rescued his friend as a result of which accused started keeping a grudge against him. When Kartik went to the hospital to inquire about his duty hours, Pradeep (petitioner), Vishal, Rahul Balmiki and Ashthani



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intercepted him, where all of them abused him and caused injuries to him with bricks and stones on his head. Thereafter, petitioner along with others fled away from the spot and he sought action against him.

5. Learned counsel for the petitioner contended that petitioner has been falsely implicated. He was not even present at the time of incident and the offence in question was committed by the main accused namely Vishal, who has already been arrested. Learned counsel next contended that there is a delay of four days in lodging the FIR and tutored version has been put forward while implicating the innocent persons. Learned counsel for the petitioner submits that he is ready to join the investigation and he shall abide by the conditions that may be imposed by the Court and he may be released on anticipatory bail.

6. On the other hand, learned State Counsel has opposed the bail and argued that the victim has suffered injuries in his head, which have been declared as grievous and dangerous to life, due to which he remained unconscious for 14 days. The custodial interrogation of the petitioner is essential to elucidate the modus operandi adopted by them in causing injuries to the victim. The investigation is at initial stage and grant of anticipatory bail will hamper the investigation and in view of gravity of offence, petitioner does not deserve the concession of anticipatory bail.

7. It is well settled that the power to grant anticipatory bail is of extraordinary nature and is to be sparingly used with circumspection as held in 2022 (4) RCR (Criminal) 968 titled as "*Sachin @ Sachin Ahuja Vs. State of Punjab*". In SLP (Crl.) 7940 2023 titled as "*Shri Kant Upadhyay Vs. State of Bihar*", Hon'ble Apex Court has held that grant of interim protection or protection from arrest to an



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accused in a serious case may lead to miscarriage of justice and may hamper investigation to a great extent as it may sometimes lead to tampering or destruction of evidence. The court is cognizant of the fact that power of anticipatory bail is to be exercised in exceptional circumstances as it may cause some hindrance to normal flow of investigation which would undermine the case of the prosecution.

8. The allegations against the petitioner are serious in nature. Petitioner along with co-accused in furtherance of their common intention caused injuries to victim in his head with bricks and stones, as a result of which he has suffered fracture and the injuries have been declared as grievous as well as dangerous to life. Moreover, victim remained unconscious for 14 days after the assault. Merely, because there is a delay of four days in lodging the FIR is no ground to doubt the veracity of the version setup by the prosecution as the victim remained unconscious and the FIR was subsequently lodged by his father after he inquired about the facts at his own level. In view of the gravity of offence, the petitioner does not deserve the concession of anticipatory bail and resultantly, the present petition is hereby dismissed.

03.12.2025
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No