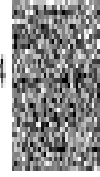


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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

205

**CRM-M No.22150 of 2026
Date of decision: 26.05.2026**

Vijay Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Umesh Kumar Kanwar, Advocate,
for the petitioner.

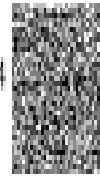
Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Kuldip Singh, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in case DDR No.01 dated 15.01.2026 registered under Sections 109, 115(2), 191(3), 190, 126(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") arising out of FIR No.14 dated 14.01.2026 registered under Sections 109, 115(2), 191(3), 190, 126(2) and 351(2) of BNS at Police Station Sultanpur Lodhi,

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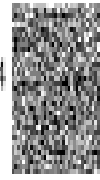


District Kapurthala.

2. The aforementioned FIR No.14 was registered on the basis of statement recorded by the complainant Simranjit Dhir alleging that on the night of 13.01.2026, she had gone to the shop of her nephew Vijay Kumar when accused Himanshu @ Damru accompanied by the co-accused reached there and started assaulting Arshdeep. On seeing this, his nephew Vijay Kumar rushed for rescue of Arshdeep but the assailants caught hold of him and caused injuries to him as well and then fled from the spot.

3. After registration of FIR, investigation proceedings were initiated. On 15.01.2026, on the basis of statement recorded by Ajay Kumar, a member of group of Himanshu @ Damru, the aforementioned DDR was registered by way of cross case. Ajay Kumar recorded in a statement that on the evening of 13.01.2026, he along with his friends was celebrating Lohri function at station road when the present petitioner accompanied by his accomplices reached there, encircled them and opened an attack upon them with their respective weapons. He alleged that Ruby an accomplice of the petitioner had struck a blow with the reverse side of the pistol on his forehead due to which he had fallen down. Dharampreet Dholu had given a datar blow on his head and the present petitioner had also struck a blow with datar on the back side of his head. He had sustained injuries at the hands of the remaining assailants also who intended to kill him. After registration of DDR,

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investigation proceedings in the same have also been initiated and are underway. Apprehending his arrest, the petitioner moved application for grant of anticipatory bail which has been dismissed by the Court of learned Sessions Judge, Kapurthala vide order dated 06.03.2026.

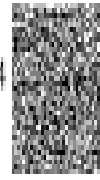
4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross version. Infact, the members of the complainant party were the aggressors and they had opened attack upon the petitioner when he was working in his shop. He had sustained the serious injuries on his head. He had remained admitted in hospital from 14.01.2026 to 20.01.2026. The complainant with an intent to put pressure upon him got registered a cross case. The injury that has been attributed to him has not been declared to be grievous in nature or dangerous to life. The ingredients for commission of offence punishable under Section 109 of BNS are not attracted at all against him. He is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

5. Status report has been filed. Learned State counsel assisted by learned counsel for the complainant 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 anticipatory bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have formed membership of an

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unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have caused injuries to Ajay Kumar complainant in the DDR. As per the status report, the injuries which have been sustained by Ajay Kumar have been opined to simple in nature. Admittedly, the petitioner had also sustained injuries in the same incident one of which has been declared to be grievous in nature. As already discussed, it is a case of version and cross version wherein members of both the parties have sustained injuries. It is only on thorough assessment of the evidence to be produced during trial that any conclusion as to the petitioner's assaulting the victim with intent to kill him can be drawn and not at this stage. Given the nature of the allegations levelled against the petitioner, the fact that he too had sustained injuries in the same incident and the attendant facts and circumstances, this Court is of the considered opinion that pre trial incarceration of the petitioner is not required. 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 fifteen days from the date of passing of this order and joining investigation. On his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to his/her satisfaction. He shall also follow these conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer



as and when required during the course of investigation.

(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.

(iv) He shall not leave the country without prior permission of the Court.

(iv) He shall deposit his passport if any, with the jurisdictional Magistrate/trial Court.

8. 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.

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

26.05.2026
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No