

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:084678



205

CRM-M-23160-2026 (O&M)
Date of decision:27.05.2026

Pawan Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case arising out of FIR No.90, dated 12.04.2026, registered under Section 115(2), 118(1), 333, 351(2), 296 and 3(5) of the BNS, at Police Station Bagha Purana, District Moga.

2. The aforementioned FIR was registered on the basis of a statement recorded by Khushpreet Singh, alleging that in the morning of 11.04.2026, the present petitioner made a call on his phone and straightaway stated that he was going to be killed on that day. On asking the reason for saying so, the petitioner proclaimed that he would come and tell the same. Then at about 10.00 AM, the petitioner accompanied by the co-accused Harpreet Singh @ Ambi came in front of the house of complainant and

started making extortions and calling upon the complainant to come outside his house. The complainant did not come out and then the petitioner forcibly entered inside his house and dragged him outside his house. Co-accused Harpreet Singh @ Ambi struck a blow with a wooden beam on the back of his head, due to which he had fallen down and then the petitioner struck several injuries on his person with his dagger. Rescue alarm being raised by him attracted his father, who too sustained injuries at the hands of the petitioner.

3. After registration of the FIR, investigation proceedings were initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Moga vide order dated 20.04.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is case of version and cross version. Members of the both the parties have sustained injuries. He himself had sustained four injuries on his person. Most of the injuries sustained by the complainant are caused with blunt weapon and only one injury by some sharp edged weapon is alleged to be caused. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, thus, urged that the petition deserves to be allowed.

5. Per contra, learned State counsel, while relying upon the status report, has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit

of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner in connivance with the co-accused is alleged to have voluntarily caused injuries with blunt as well as sharp edged weapon to the complainant and his father by criminally trespassing into his house and is also to have criminally intimidating him. The injuries sustained by the victim has been opined to be simple in nature. The subject offences are triable by the Magistrate. The petitioner has placed on record Annexure P-4, copy of his medico-legal report, showing that he had sustained four lacerated wounds on different part of his body whereas co-accused Harpreet Singh @ Ambi had also sustained one injury. Given the nature of the accusations as levelled against the petitioner and the exact role attributed to him, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. Even otherwise, pre-trial incarceration should not be a replica of post conviction sentencing. Taking into consideration the above discussed facts, the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his joining investigation and surrendering within a period of 15 days from the date of receipt of a certified copy of this order and upon his doing so, he shall be released on bail by the **Investigating Officer** on furnishing personal as well surety bonds to his satisfaction and further subject to 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.

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 further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

27.05.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE