



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

225

CRM-M-56696-2025

Date of decision : 12.01.2026

MADAN

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Ramneek Singh, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 115(2), 118(1), 324(4), 191(3) and 190 [Section 18(2) added later on] of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS' only, the FIR No.52 dated 13.10.2024 has been lodged in Police Station Fattu DHINGA, District Kapurthala. In the above-mentioned case, the petitioner is apprehending arrest, and therefore, for the benefit of anticipatory bail he has approached this Court, by virtue of present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Reply to the petition has already been filed by the learned State counsel.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of Vishal @ Sallu, hereinafter being referred to as complainant only. It was stated by the complainant that on



30.09.2024, he along with his friend namely 'Vishal Singh' son of Satnam Singh (injured) had gone to meet their friend Patras, where they took meal and left for their own home. According to complainant on the way Sunny son of Bhola, Gurvinder Singh, Madan, petitioner herein, Lucky, Harvinder, Akash and Kulwinder @ Gola armed with various weapons were present. They exhorted to teach them a lesson for causing nuisance in the locality and then assaulted them with the help of their respective weapons. According to complainant, Sunny and Lucky inflicted injuries on his person with the help of *datar*, at his elbow and backside of head respectively. As per complainant, he fell down on the ground due to the impact of injuries suffered by him. It was also stated by the above-named complainant that his friend Vishal, too was assaulted by the above-mentioned assailants and he, too, suffered injuries.

3. It is the case of the prosecution that in view of above-mentioned statements, formal FIR of this case was lodged and during the course of investigation the statement of co-accused Vishal son of Satnam (injured) was recorded, wherein he disclosed that injury on the backside of his head was caused by the petitioner.

4. Mr. Gurpreet Singh Brar, Advocate appears on behalf of complainant. He has filed power of attorney. The same be taken on record.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in this case and that in the FIR no role has been attributed to him. It has also been contended by learned counsel for the petitioner that the injured Vishal son of Satnam has sworn an affidavit, wherein



he has specifically mentioned that injury suffered by him on the backside of his head was not inflicted by the petitioner, rather it was caused due to fall on sharp object. In view of above, the learned counsel for the petitioner has contended that the petitioner is entitled for the benefit of anticipatory bail as no role has been attributed to him in the commission of crime.

7. *Per contra*, the learned State counsel being assisted by learned counsel for the complainant has controverted the above-mentioned arguments. As per learned State counsel that the allegations against the petitioner are with regard to commission of offence punishable under Section 326 IPC and that the FIR itself shows the presence of the petitioner on the spot at the time of occurrence. According to learned State counsel for the recovery of weapon of offence, custodial interrogation of the petitioner is required.

8. The record has been perused carefully.

9. A perusal of the record shows that there are several factors which are required to be taken into consideration in the present petition at this stage.

Those factors are:-

- i. that the offence is triable by the Court of Judicial Magistrate;
- ii. that in the FIR, no role has been attributed to the petitioner with regard to causing of injury on the person of complainant Vishal son of Amar;
- iii. that the FIR is silent with regard to injury inflicted on the person of another injured Vishal son of Satnam;
- iv. that another injured Vishal son of Satnam has sworn an affidavit, wherein he has specifically exonerated the petitioner with regard to injury attributed to the petitioner;
- v. that the recovery of weapon of offence can be facilitated by issuing a direction to the petitioner to join investigation;



- vi. that trial of the case is not likely to be concluded in near future;
- vii.that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- viii. that there is nothing on record to show that while on interim anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- ix. that there is nothing on record to show that while on interim anticipatory bail, the petitioner will not participate/cooperate in the investigation.

10. In view of the above mentioned discussion it is hereby held that the present petition deserves to be allowed. Hence, the same is hereby allowed, and the petitioner is accorded the benefit of anticipatory bail. It is hereby directed that in the event of his arrest, the petitioner shall be released on bail on furnishing bonds to the satisfaction of Arresting Officer. The petitioner will join the investigation as and when called by the Investigating Officer. He shall also abide by the conditions as specified under Section 482(2) of the Bharatiya Nagrik Surakhsa Sanhita, 2023.

(SURYA PARTAP SINGH)
JUDGE

12.01.2026

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No