

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

2026:PHHC:015358



212

CRM-M-71114-2025
Date of decision:03.02.2026

Harsh Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashish Gupta, 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 benefit of anticipatory bail in case arising out of FIR No.22, dated 06.03.2025, registered under Sections 331(6), 115(2), 351(3), 191(3), 190 of the BNS and Sections 25/27 of the Arms Act (offence under Section 238 of the BNS was added lateron), at Police Station Jaitu, District Faridkot.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Himmat Kumar on 06.03.2025, alleging therein that on the night of 04.02.2025, he along with his brother Monish Kumar was present outside a godown at Sri Muktsar Sahib road Jaito for keeping some junk, when the petitioner accompanied by the co-

accused reached there in a black coloured scorpio car. All of them were armed with weapons and opened an assault upon the complainant and his brother and caused injuries to them with their respective weapons. On clamour being raised, they had fled from the spot. The injured were taken to the hospital and were provided treatment.

3. After registration of the FIR, investigation proceedings were initiated and the same are underway. Apprehending his arrest, the petitioner moved an application for pre-arrest bail, which has been dismissed by the Court of learned Additional Sessions Judge, Faridkot vide order dated 12.11.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Neither any specific injury nor any overt act has been attributed to him. Even otherwise, the injuries sustained by the victims had been opined to be simple in nature. The ingredients for commission of offence punishable under Section 331(6) of the BNS are not attracted in this case. There is delay of 02 days in lodging of the FIR, which has not been explained. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

5. Status report has been filed. Learned State counsel has argued that there are serious and specific allegations against the petitioner, who being a member of an unlawful assembly, had voluntarily caused simple injuries to the complainant and his brother and had criminally intimidated them. His custodial interrogation is required for conducting thorough and

proper investigation in the matter. It is, therefore, stressed that the petition does not deserve to be allowed.

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

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of the common object of that unlawful assembly, is further alleged to have assaulted the victims, thereby causing simple injuries on their person. Though, the allegations make out a *prima facie* case for commission of subject offences against the petitioner, however, no specific injury on the person of either of the victims had been attributed to him and the allegation against him is that he was present at the spot with a baseball. Given the nature of the allegations as levelled against the petitioner and the part attributed to him, this Court is of the considered view that no case for pre-trial incarceration of the petitioner is made out. Even otherwise, pre-trial incarceration should not be a replica for post conviction sentencing. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to the condition that the petitioner shall surrender before the Investigating Officer/Arresting Officer within a period of 10 days from today and shall join the investigation. He shall also join investigation as and when required subsequently. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS.

8. It is, however, clarified that nothing stated above shall have any

bearing on merits of the case.

9. Pending application(s), if any, shall also stands disposed of.

03.02.2026

harjeet

(MANISHA BATRA)
JUDGE

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