

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

2026:PHHC:035674



(117)

1. CRM-M-72068-2025(O&M) Date of Decision: 09.03.2026

Priyanka

--Petitioner

Versus

State of Haryana

--Respondent

2. CRM-M-6206-2026

Kewal

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present:- Mr. Rohit Mittal, Advocate for the petitioner in
CRM-M-72068-2025.

Mr. Mukesh Yadav, Advocate for the petitioner in
CRM-M-6206-2026.

Ms. Chhavi Sharma, A.A.G., Haryana.

Mr. Mukesh Rao, Advocate for the complainant

VINOD S. BHARDWAJ.J (Oral)

CRM-10160-2026 in CRM-M-72068-2025

This is an application seeking impleadment of the applicant-complainant Bijesh Bai as respondent no.2 in the present case.

For the reasons mentioned in the application, which is duly supported by an affidavit of the applicant, same is allowed.

Applicant/complainant Bijesh Bai wife of Hansraj, resident of Mandi, Sadar Narnaul, District Mahendergarh is impleaded as respondent no.2 in the present case.

Amended Memo of Parties is taken on record.

CRM-10161-2026in CRM-M-72068-2025

Application is allowed as prayed for.

Reply on behalf of respondent no.2 is taken on record. Registry is directed to do the needful.

Main Case

1. Seeking pre-arrest bail in case bearing FIR No. 250 dated 10.10.2025 under Sections 115, 126, 190, 191(2), 351(3) of BNS, 2023 (later on added section 109 and 117(1) BNS, 2023) registered at Police Station Sadar Narnaul, District Mahendergarh, both these petitions filed by different accused, are being decided by a common order. For facility of reference, facts are being referred to from CRM-M-72068-2025 titled as Priyanka Vs. State of Haryana.

2. FIR in the present case has been registered on the statement of one Bijesh Bai wife of Hansa Raj. Translated version of the same reads thus:-

"I Bijesh Bai, daughter of Hansraj, am resident of village Madi (Shahpur-1). It was around 11 am on 03.10.2025. Babuji Ramkishan, a young man in our village, had died, so I went there to mourn. When I returned to our old ruined house, the women of our own family, Sunita, daughter of Hardwari, Priyanka wife of Hari Om, Sapna daughter of Hardwari, Kewal wife of Hardwari, Savita daughter of Nahar Singh (present in-laws' house at Bihali) and Hari Om son of Hardwari blocked my way. All of them had iron rods, iron bars, sticks, rods and axe in Hariom's hand, who said that 'we will give you the land' and they beat me badly, causing severe injuries on my head, hands, legs, face, throat and waist. During this fight, the above mentioned accused took away my one gold bracelet and one half broken gold bracelet, one gold chain, one gold earring, one gold ring and one silver anklet

while one half broken gold bracelet and one earring and one silver anklet fell during the fight which are with us now. Meanwhile my real sister-in-law Santosh wife of Umed resident of Mandi came to the spot and intervened in the fight. I was saved with great difficulty from all the above mentioned people who were assaulted me. When I and my sister-in-law shouted for help, I fainted. Later when I regained consciousness, I came to know that my husband Hansraj came to the spot on getting information. The above mentioned people have been threatening me to forget the land case, otherwise they would kill me and my family. My family members took me for treatment to Narnaul Government Hospital and then to Paras Hospital, Narnaul Sector 43, Guruyam. I was unconscious for two days and I got myself treated and came home after getting discharged. Now I am requesting you that strict action should be taken against the people who assaulted me.”

3. At the outset, learned counsel for the petitioner contends that even though, offence under Section 304 BNS does find a mention in the order passed by learned Addl. Sessions Judge, Narnaul, however, due to inadvertence, the said offence could not be mentioned in the head note of the petition, while referring to the instant FIR and hence, he may be permitted to incorporate the said section in the head note as well as the prayer clause of the petition.

4. Prayer is accepted. Section 304 of BNS, 2023 is permitted to be incorporated in the head note and prayer clause of the petition.

5. Learned counsel for the petitioner in CRM-M-72068-2025 contends that the present petitioner has been falsely implicated in the aforesaid case. He contends that the incident in question is stated to have taken place on 03.10.2025, however, the FIR in the present case has been

registered on 10.10.2025 i.e. after a delay of nearly 07 days. It is submitted that the aforesaid period was exploited by the respondent/complainant to manipulate the narrative of the incident. He contends that the petitioner is aged about 30 years and has no criminal antecedents. He submits that only vague and general allegations have been levelled by the complainant. It is argued that one Savita was also nominated as an accused by the respondent/complainant, however, upon investigation, the police came to the conclusion that the allegation against her was unfounded and her involvement in the occurrence was not established. She was found to have been falsely implicated.

6. It is submitted that the version put forth by the complainant thus appears to have been deliberately doctored so as to rope in multiple women of the household, notwithstanding complete absence of any overt act attributed to them. Counsel further contends that even qua the present petitioner, no specific allegation has been levelled regarding use of any weapon and the complaint merely contains omnibus allegation that the assailants were armed with iron rods, iron bars, sticks etc.

7. Counsel further contends that the present implication is on account of an impending land dispute between the parties due to which the relations between the parties have been strained for some time. Infact, on an earlier occassion, the members of the family of the complainant had come to the house of the petitioner on 11.03.2022, armed with deadly weapons and one Abhimanyu fired a gun shot which resulted in an injury to the petitioner on her leg. In respect of the aforesaid occurrence, FIR No.71 dated 11.03.2022 was got registered under Sections 323, 325, 452, 307 and 506 read with Section 34 IPC and Sections 25, 54, 59 of Arms Act.

It is submitted that thereafter, the family members of the complainant came again to the house of the petitioner, in an attempt to forcibly compromise the said matter, however, when the petitioners refused to enter into any such compromise, on 29.09.2025 Hans Raj, Umed, Abhimanyu and Anurag inflicted injuries to the father-in-law of the petitioner. With respect to the said incident FIR No.241 dated 03.09.2025 had been registered for offences under Sections 115, 190, 191(2), 351 of BNS, 2023. Counsel contends that the present case is only a retaliatory measure arising out of the existing dispute between the parties. It is further contended that even as per the allegations contained in the complaint, there is no specific allegation against the petitioner of wielding any weapon and in absence thereof, there is no occasion for recovery of any articles/weapon from the petitioner. Counsel appearing on behalf of the petitioner in CRM-M-6206-2026 contends that in so far as the said petitioner is concerned, she is alleged to have caused injury to the complainant with a stick. However, no corresponding injuries are established to be present on the person of the complainant, hence, no stick is to be recovered from her.

8. Two separate status reports by way of affidavits of Bharat Bhushan, HPS, Dy.S.P., HQ, Narnaul, District Mahendergarh, on behalf of respondent-State, in both the petitions, have been filed in Court today and the same are taken on record.

9. Learned State counsel, on instructions from SI Dharambir, P.S. Sadar Narnaul, contends that even though no specific allegation has initially been attributed to the petitioner, however, during the course of recording of the statements of the complainant and other witnesses, the petitioner is alleged to have picked up a stone lying on the road, where construction

work was going on, and caused injury to the victim. It is further alleged that certain gold jewellery i.e. the chain, ear rings, gold kada etc. are yet to be recovered, which as per the case of the prosecution, were taken away by the petitioner during the incident. Learned State counsel further contends that during the course of investigation, a confessional statement of Jitender @ Hari Om was recorded, wherein he alleged that the petitioner herein was wielding an iron rod during the occurrence.

10. A specific question has been put to learned State counsel as to whether any of the victims/eye witnesses had specifically named the petitioner as having been armed with an iron rod, she fairly concedes that no such statement had been made by any of the witnesses. It is submitted that the allegation regarding the petitioner having been armed with an iron rod has surfaced only during the confession of co-accused Jitender @ Hari Om, while in custody.

11. Another query was posed to the learned State counsel as to whether the FIR or during the investigation conducted or any material on record contained any allegation regarding the petitioner having carried away the stone allegedly used in the occurrence and if not, then whether any such stone has been recovered from the place of occurrence. She concedes that no such material has been brought on record and that no stone has been taken in possession.

12. A specific question has also been put to the learned State counsel as to whether there are any injury marks on the ear lobes or any abrasions on the neck of the complainant, which would ordinarily be there in case of forcible snatching of any gold earrings or the chain. Learned State counsel, on instructions, fairly concedes that no injury marks were found

either on the ear lobes or on the neck. She submits that half part of a broken bangle was recovered from the spot itself, whereas, the remaining half is yet to be recovered and is alleged to be in possession of the petitioner. However, on a pointed query, it is conceded by the State that even the said allegation of the petitioner being in possession of the remaining half of the gold bangle, is formed on the confessional/disclosure statement of Jitender @ Hari Om recorded while in custody.

13. I have heard the counsel appearing for the parties and have gone through the documents appended with the present petition.

14. It is evident from the above that the allegations levelled in the present petition are general and vague in nature and prima facie there seems to be a noticeable improvement in the prosecution version. However, the same are not required to be gone into at this stage. It is also significant that the prosecution has been unable to satisfactorily respond to the queries put to them and also the fact that one of the accused has already been found innocent during the investigation. It is further not disputed by the respondents that the petitioner has joined the investigation pursuant to the interim order passed by this Court and the only reason that they were opposing the bail is that the alleged gold ornaments are yet to be recovered.

15. Under the given circumstances, noticing that there is a change in the narrative of the incident primarily on the basis of the confessional/disclosure statement of the co-accused husband of the petitioner, recorded while he was in custody with respect to attribution and participation or recovery. The said statement, however, would not be read in isolation and over and above the version given by the respondent/complainant. Prima facie, the only arguable issue that remains

is to the mode and manner in which the injuries are alleged to have been caused. The attempt to iron out the case and attribute a specific role to the petitioner, at this stage, is not based upon the version as set forth initially by the complainant but rather on the basis of disclosure/confessional statement recorded while in police custody.

16. The allegations with respect to the alleged removal/taking away of gold ornaments also do not appear to be free from doubt. The prosecution has been unable to furnish any satisfactory reply to the specific queries put by this Court, in particular, its inability to explain as to how and under what circumstances the gold ornaments could have been forcibly trimmed without causing any corresponding injury marks or abrasions on the ear lobes and neck of the complainant.

17. Learned counsel for complainant/respondent no.2 has contended that the medical records reflect the multiple injuries on the face of the complainant, yet, the same have been clubbed together and recorded as one injury in the MLR. It was also contended that even though, offence under Section 304 BNS, 2023 has been added in the present FIR, however, the petitioner has not specifically sought anticipatory bail in respect of the said offence. He places reliance on the judgement in case of **State represented by the C.B.I Vs. Anil Sharma**, reported as **1997(4) RCR (Criminal) 268** and contends that the anticipatory bail ought not to be confirmed. Para 16 of the aforementioned judgement reads as under:-

“16. We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly

exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

18. The position as above is not disputed but each case has to be seen on its facts. The role of an accused is required to be kept in mind. Each case has to be seen as a whole. In the present case, in so far as the injuries caused on the face of the complainant are concerned, apparently, the prosecution version, as recorded on the basis of the statements of the eye witnesses/complainant does not disclose any specific attribution to the petitioner herein of having caused such injury with an iron rod. It is further

prima facie, appear to be supported by the primary ingredients required to attract the said provision. Notably, the said offence was subsequently added vide General Diary Entry dated 01.11.2025 but was not part of the initial FIR when the same was registered.

19. Further as regards the allegation against the petitioner having caused injuries on the person of the complainant are concerned, learned State counsel has been unable to furnish a satisfactory reply and nothing has been brought on record, at this stage, to substantiate or establish such an assertion.

20. Adverting to the submissions made by learned State counsel as well as learned counsel for the complainant that certain recoveries are yet to be effected and therefore petitioner ought not be granted the concession of anticipatory bail, the same have been duly considered.

21. In so far as petitioner in CRM-6206-2026 is concerned, similar allegations have been levelled with an addition to the effect that she was armed with a stick, caused injuries to the complainant and also took away certain gold ornaments. However, the material placed on record, at this stage, does not lend adequate support to the prosecution version. In view thereof, I am of the view that her case also stands on a similar footing and deserved to be evaluated on the same parameters.

22. It is apparent from the record that the recoveries sought to be effected primarily pertain to removal of gold ornaments. However, the respondents have failed to offer any reasonable explanation to the queries posed by this Court regarding the manner in which the said ornaments could have been allegedly snatched, particularly in the absence of any corresponding injury marks on the ear lobes and neck of the victim. The

prosecution version, at this stage, appears to lack material corroboration on the aspect of forcible removal of jewellery. Besides, the aspect of prior enmity between the parties, the complainant and her relatives having caused injuries to the family members of the petitioner and the consequent registration of as many as two FIRs against them are uncontroverted. These circumstances, prima facie, lend some credence to the submissions advanced on behalf of the petitioner regarding false implication as well as over implication and thus, the allegations deserve to be carefully scrutinized and considered.

23. In the aforesaid backdrop, the objection raised by the respondents that the petitioner has not cooperated with the investigation is required to be viewed with caution. Considering the overall circumstances and the nature of allegations, I find that the petitioners deserve the concession of anticipatory bail. Since the petitioners have already joined the investigation, the interim order dated 22.12.2025 passed in CRM-M-72068-2025 and interim order dated 03.02.2026 passed in CRM-M-6206-2026, are made absolute.

24. However, if required, the petitioners shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 482 (2) BNSS.

09.03.2026

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**(VINOD S. BHARDWAJ)
JUDGE**

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