CNR No: PHHC011706072026

2026:PHHC:194977

IN THE HIGH OF PUNJAB AND HARYANA AT CHANDIGARH

224 (1) **CRM-M-57453-2026 (O&M)**
Date of decision: 30.10.2026

Harmohan Kumar @ Harmohan Gir

...Petitioner

Versus

State of Punjab

...Respondent

2. **CRM-M-57461 of 2026 (O&M)**

Harjesh Kumar @ Harjesh Gir

…Petitioner

Versus

State of Punjab

…Respondent

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Mr. Munish Gupta, Advocate
for the petitioner (s) (in both petitions).

Mr. Gorav Kathuria, DAG., Punjab.

Mr. Faryad S. Virk, Advocate
for the complainant.

*****

NEERJA K. KALSON, J. (Oral)

1. Since both the petitions arise out of the same FIR and involve common questions of fact and law, they are being taken up together and disposed of by this common order.

2. Through the present petitions, the petitioners seek the

SANJAY KHAN
2026.11.02 15:56
I attest to the accuracy and
integrity of this document

concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in case FIR No. 282 dated 14.09.2026 (Annexure P-1), registered under Sections 115(2), 126(2), 109, 351, 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 323, 341, 307, 506, 148 and 149 IPC), at Police Station Sohana, District SAS Nagar (Mohali).

3. Learned counsel appearing on behalf of the petitioners contend that the petitioners have been falsely implicated in the present case on account of a longstanding civil dispute between the parties concerning landed property situated in Village Shiampur. It is submitted that the parties have been embroiled in previous litigation and the present FIR is a counterblast to the said dispute. It is further contended that the injuries specifically attributed to the petitioners have been declared simple in nature and, therefore, the ingredients of Section 109 BNS are not attracted. Learned counsel further submit that the petitioners have clean antecedents and are ready and willing to join the investigation and cooperate with the investigating agency. On these premises, prayer has been made for grant of anticipatory bail.

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, vehemently opposes the prayer for anticipatory bail. It is submitted that both the petitioners have been specifically named in the FIR and distinct roles have been attributed to them. Petitioner Harmohan Kumar alias Harmohan Gir is attributed an iron-rod blow on the head of complainant Daljit Puri, which struck the left side of his head, resulting in an injury for which he is stated to have received eight stitches. Petitioner

SANJAY KHAN
2026.11.02 15:56
I attest to the accuracy and
integrity of this document

Harjesh Kumar alias Harjesh Gir is attributed a lalkara, followed by an iron-rod blow directed towards the head of complainant Daljit Puri, which struck his left hand when he attempted to ward off the assault. The latter petitioner is further attributed a separate iron-rod blow on the head of injured Gagan Puri, near his left eye. It is submitted that complainant Daljit Puri sustained five injuries, one of which has been declared grievous in nature and the rest being simple, whereas injured Gagan Puri sustained one injury, which has been declared simple. Learned State counsel further submits that the weapons of offence are yet to be recovered and custodial interrogation of the petitioners is necessary for effecting recovery and conducting an effective investigation.

5. Pursuant to the order dated 06.10.2026, learned State counsel has filed a status report by way of affidavit of Harsimran Singh Bal, PPS, Deputy Superintendent of Police, City-2, SAS Nagar (Mohali), in CRM-M-57453-2026, which is taken on record. The said report, arising out of the common FIR, also places on record the medico-legal reports of both injured persons along with the subsequent medical opinions, which have been perused by this Court.

6. I have heard learned counsel for the parties and have perused the material available on record.

7. A plain reading of Section 109(1) of the Bharatiya Nyaya Sanhita, 2023, which corresponds to Section 307 IPC, reveals that the gravamen of the offence lies in the intention or knowledge accompanying the act and the circumstances in which it is committed. Significantly, the expression “if hurt is caused to any person by such act” occurs in the latter

SANJAY KHAN
2026.11.02 15:56
I attest to the accuracy and
integrity of this document

part of the provision, which contemplates an enhanced punishment where hurt actually results. The legislature has thus drawn a distinction between the commission of an act accompanied by the requisite intention or knowledge and the actual infliction of hurt. It follows that causing hurt is not an indispensable ingredient of the offence in its basic form, nor is it necessary that the injury, if caused, must invariably be grievous or life-threatening. What assumes significance is whether the act was committed with such intention or knowledge, and under such circumstances, that had death ensued, the offender would have been guilty of murder. Consequently, the mere classification of an injury as simple cannot, by itself, be regarded as conclusive of the applicability of Section 109 BNS. The aforesaid interpretation finds support from the recent judgment of the Hon'ble Supreme Court in ***Surender Kumar v. State of Haryana and others, 2026 INSC 1006***, wherein it has been reiterated that Section 307 IPC contemplates two limbs concerning punishment but only one concerning culpability, which rests upon the requisite intention or knowledge accompanying the act. It has further been held that the infliction of hurt, whether simple or grievous, is not a prerequisite for attracting the said provision.

8. Adverting to the medical evidence placed on record, the medico-legal report of complainant Daljit Puri reveals that he sustained five injuries caused by a blunt weapon. As per the subsequent medical opinion, injury No. 3, situated at the base of his left thumb, has been declared grievous in nature, whereas the remaining four injuries, including injury No. 1, comprising a lacerated wound measuring 2.5 × 0.5 cm over the left

SANJAY KHAN
2026.11.02 15:56
I attest to the accuracy and
integrity of this document

parietotemporal region of the head, have been declared simple. The medico-legal report of injured Gagan Puri records a lacerated wound measuring 2.5 × 0.5 cm near his left eyebrow, which has also been declared simple in nature. Thus, the contention that all the injuries sustained during the occurrence were simple in nature does not find support from the medical material placed on record.

9. Examined in the aforesaid statutory backdrop, the allegations against the respective petitioners disclose specific and distinguishable acts. While petitioner Harmohan Kumar is attributed an iron-rod blow on the head of complainant Daljit Puri, petitioner Harjesh Kumar is attributed an iron-rod blow directed towards the complainant's head, which struck his left hand when he attempted to protect himself, besides a separate blow near the left eye of injured Gagan Puri. The grievous injury recorded at the base of Daljit Puri's left thumb assumes relevance in the context of the allegation concerning the blow sustained while warding off the assault, although its attribution to a particular accused would remain subject to proof. The nature of the weapons allegedly used, the parts of the body targeted and the manner in which the assault is stated to have been carried out are circumstances which cannot be disregarded merely because the injuries on the heads of both injured persons have been medically classified as simple. During the course of arguments, learned counsel for the complainant has also shown photographs depicting the injury sustained by complainant Daljit Puri on his forehead, for which he is stated to have undergone eight stitches. The said injury is specifically attributed to petitioner Harmohan Kumar and cannot be attributed to petitioner Harjesh Kumar, whose role has been separately

SANJAY KHAN
2026.11.02 15:56
I attest to the accuracy and
integrity of this document

noticed hereinabove. Whether the requisite intention or knowledge contemplated under Section 109 BNS is ultimately established would, however, remain a matter for determination on the basis of evidence.

10. The contention raised on behalf of the petitioners regarding previous civil litigation and enmity between the parties has also been considered. However, the mere existence of a civil dispute or previous hostility cannot, at this stage, be treated as sufficient to conclude that the criminal allegations are false, particularly when the occurrence is stated to be supported by medical evidence. The plea of false implication on account of previous enmity would necessarily require examination in the light of the material collected during investigation and cannot, by itself, furnish a ground for extending the discretionary concession of anticipatory bail.

11. Coming to the requirements of investigation, it is the stand of the State that the weapons of offence are yet to be recovered and custodial interrogation is necessary for effecting recovery and carrying the investigation to its logical conclusion. The necessity of custodial interrogation cannot be considered in isolation from the nature of the accusation and the specific acts attributed to the accused. In the present case, both petitioners are attributed the use of iron rods during the same occurrence, with distinct blows directed towards vital parts of the bodies of the injured persons. The recovery of the weapons allegedly used assumes relevance in the context of the investigation, and the requirement asserted by the investigating agency cannot be brushed aside merely on the petitioners' willingness to join the investigation. Having regard to the individual roles attributed to the petitioners, the medical evidence and the stage of

SANJAY KHAN
2026.11.02 15:56
I attest to the accuracy and
integrity of this document

investigation, this Court is not persuaded that the circumstances warrant extending the discretionary protection of anticipatory bail.

12. In view of the foregoing discussion, and upon considering the individual roles attributed to the respective petitioners, this Court does not find any ground to extend the discretionary concession of anticipatory bail to either of them at this stage. Consequently, both the petitions stand dismissed.

13. It is clarified that the observations made hereinabove are confined solely to the adjudication of the present petitions seeking anticipatory bail and shall not be construed as an expression of opinion on the merits of the case. The trial Court shall proceed independently, uninfluenced by any observation made in this order.

14. Photocopy of this order be placed on the file of connected case mentioned above.

Pending application(s), if any stand(s) disposed of accordingly.

30.10.2026 **(NEERJA K. KALSON)**
s.khan **JUDGE**

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

SANJAY KHAN
2026.11.02 15:56
I attest to the accuracy and
integrity of this document