

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5942-2026 (O&M)

Reserved on : 06.02.2026

Pronounced on : 12.02.2026

Saurav @Saurav Dhaiya

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Samay Sandhawalia, Advocate for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

Mr. Pankaj Nanhera, Sr. Advocate with
Mr. Rahul Gautam, Advocate for the complainant.

SURYA PARTAP SINGH, J.

This is first petition for pre-arrest bail filed by the petitioner with regard to FIR No.13 dated 16.01.2026 under Sections 115, 126, 3(5), 324(4), 351(3) of Bharatiya Nyaya Sanhita, 2023 (Sections 110, 61(2), 190, 191(3) of BNS added later on), Police Station Civil Line Sonipat, District Sonipat. The abovementioned FIR came into being at the instance of 'Anil Kumar Antil', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 15.01.2026, in usual course, he took out his car, parked in his house situated in Rishi Colony, Kami Road, and that on the way he found that due to encroachment in the street, there was blockage in the passage. As per complainant, a rickshaw was parked on roadside, which was blocking a part of the passage and therefore,

he honked for 8-10 minutes, but finding no response removed the rickshaw to a neighbouring vacant plot. As per complainant, at about 10:10 am, he received a call on his mobile phone and the caller talked to him rudely, in insulting manner. The complainant further stated that he told the caller that the matter would be reported to the police and disconnected the call.

2. According to complainant, at about 04:00 pm, when he was passing through the same street, towards his house, the accused armed with bamboo-sticks blocked his way and launched an attack upon him with an intention to kill him. As per complainant the assailants, smashed the windshield of his car, and inflicted injuries on his person. It was also stated by the complainant that while attacking him, one of the assailants, namely Saurav Dhaiya (petitioner herein) had installed some pointed objects on the bamboo stick and with the help of that bamboo stick, he inflicted 4-5 blows on his head due to which he started bleeding and lost conscious.

3. It is the case of the prosecution that in view of abovementioned information, formal FIR of this case was lodged and the investigation taken up.

4. Arguments addressed on behalf of all the parties have already been heard.

5. It has been contended on behalf of petitioner that the present case is a case, wherein the victims of incident are being prosecuted because of undue influence being exercised by the complainant in this case. It has been pointed out by learned counsel for the petitioner that in fact in the incident in question, grievous injuries have been suffered by two persons, namely 'Rita' and 'Bishram'. As per learned counsel for the petitioner, both

‘Rita’ and ‘Bishram’ have suffered fractures in their legs and it happened because the complainant crushed their legs by running-over his car.

6. It has also been pointed out by learned counsel for the petitioner that no injury, which can be termed to be grievous in nature, has been suffered by the complainant, and that by twisting the facts, a colour has been given to the incident and the projection before the police authorities and the Court has been, as if the complainant was victim in the incident. While claiming that in fact, it was the complainant, who was the aggressor and ran-over his car over the legs of two persons, leading to fractures in their legs, the FIR has been lodged against the petitioner and others by claiming that the complainant and other members of his party were the aggressor.

7. The learned counsel for the petitioner has also contended that co-accused in this case have already been arrested by the police, without serving any notice. As per learned counsel for the petitioner the abovesaid act of the Investigating Agency is illegal. In support of his arguments, learned counsel for the petitioner has referred to the principles of law laid down by the Hon’ble Supreme Court of India in the case of ‘Satender Kumar Antil V/s Central Bureau of Investigation & Anr.’ SLP (Crl.) No.5191 of 2021, order dated 15.01.2026.

8. The abovementioned arguments have been controverted by the learned State Counsel as well as learned Senior Counsel for the complainant. It has been contended by learned Senior Counsel that a false story has been projected before this Court by virtue of this petition. According to learned Senior Counsel, in fact in usual course the complainant was going towards his property where he used to park his car, and that on the way in the street in front of house of opposite party, he was waylaid by the opposite party,

who had already hatched a conspiracy to inflict injury on the person of complainant. According to learned Senior Counsel the motive behind the move was that the petitioner and others were angry because in the morning cycle cart blocking the passage had been removed by the complainant.

9. The learned Senior Counsel for the complainant has further contended that the pre-planned attack upon the complainant was so intense that the vehicle of the complainant was badly damaged and the complainant was brutally thrashed to the extent that he suffered injuries on his head and other body parts. As per learned Senior Counsel, even the efforts were made to drag the complainant out of driving seat, which would have resulted into more serious injuries on the person of complainant. While claiming that the abovementioned attack was launched with a sole motive to kill the complainant, the learned Senior Counsel has contended that in the given fact situation, the petitioner, who was leading the team of aggressor, does not deserve the discretion of this Court.

10. The learned State Counsel has contended that in the present case, the petitioner is absconding and for the purpose of recovery of weapon of offence, his custodial interrogation is necessary. It has also been contended by learned State Counsel that otherwise also the allegations against the petitioner are for the commission of serious nature of offence, and therefore, in view of gravity of offence also, the petitioner is not entitled for the benefit of pre-arrest bail.

11. The record has been perused carefully.

12. The video footage placed in pen drive has also been watched.

13. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for a decision:-

- i) that as per copy of medico-legal report of complainant available on record, three injuries were suffered by the complainant and none of them has been declared to be grievous in nature;
- ii) that as per opinion of Medical Officer, all the abovementioned three injuries were caused by blunt weapon;
- iii) that there is nothing on record to show that the petitioner has any criminal antecedents;
- iv) that the first FIR, i.e. FIR No.12 dated 16.01.2026, under Sections 125(a), 281, 351(3), and 75(2) of BNS, with regard to same incident was lodged against the complainant at the instance of 'Vishram Singh Rathore', wherein the allegations against the complainant, in the present case, are that he was the aggressor. In fact the victim in the abovementioned incident is the petitioner & his neighbours, and with regard to same incident, the abovementioned FIR was lodged;
- v) that since it is a case of version and cross-version, it is not possible to ascertain at this stage which of the two parties was aggressor, and thereby responsible for the commission of offence;
- vi) that the recovery of weapon of offence, as sought by learned State Counsel, can be facilitated by issuing a direction to the petitioner to join the investigation;
- vii) that nothing else is to be recovered from the possession of petitioner;
- viii) that there is nothing on record to show that custodial interrogation of the petitioner is likely to produce any fruitful result;

- ix) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- x) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

14. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby held that the petitioner is entitled for interim anticipatory bail.

15. Thus, it is hereby ordered that in the event of his arrest, the petitioner shall be released on interim anticipatory bail on furnishing bonds to the satisfaction of arresting officer. The petitioner shall join the investigation as and when called by the Investigating Officer. He shall abide by the terms and conditions as envisaged under Section 482(2) of the BNSS, 2023.

16. **List on 22.04.2026.**

17. To be shown in urgent list.

12.02.2026

Gaurav Thakur

**(SURYA PARTAP SINGH)
JUDGE**