

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

Date of Decision: 04.09.2024

...Respondent

N.S.Shekhawat J. (Oral)

1. At the very outset, learned counsel for the petitioner submits that Section 238 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been added in the present petition and the petitioner may be permitted to carry out the necessary correction in the headnote as well as prayer clause of the present petition.
2. Learned counsel for the petitioner is permitted to do so in the Court itself.
3. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, with a prayer to grant anticipatory bail to him in case FIR No.95 dated 09.07.2024, registered under Sections 115(2), 118(1) and 3(5) and later on added offence under Sections 118(2) and 238 of BNSS, at Police Station Baghapurana, District Moga.



4. Learned counsel for the petitioner contends that in the present case the fight had primarily taken place between the family members as Bhola Singh, complainant and Thakur Singh, accused No.1 and Gaurav Singh, accused No.2 are real brothers. The petitioner has been falsely involved in the present case as he was a friend of Gaurav Singh and they had studied in the same school. Thus, the petitioner has been named only on the basis of suspicion and had not participated in the commission of crime. Learned counsel further contends that as per version mentioned in the FIR, the petitioner was allegedly armed with Gandhali (agricultural implement) and he had allegedly caused an injury on the front of the left knee joint of the complainant. He further contends that the said injury has been declared to be simple in nature. As per the petitioner, the main injury is attributed to Gaurav Singh, accused, who has already been arrested by the police.

5. Status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Baghapurana, District Moga has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

7. From the submissions made by learned counsel for the parties, it is apparent that the injury, which was allegedly caused by the petitioner, has been declared to be simple in nature. The petitioner is a student and his case



deserves sympathetic consideration by this Court. Even otherwise, in the considered opinion of the Court, the custodial interrogation of the petitioner may not be required, at this stage.

8. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of BNSS.

04.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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