



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

CRM-M-47779-2024

Date of Decision:24.10.2024

Lovepreet Singh @ Love Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Shivam Joshi, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. At the very outset, learned counsel for the petitioner contends that the petitioner had withdrawn the earlier bail petition on 09.09.2024, with liberty to file a petition with better particulars, however, inadvertently in the order dated 09.09.2024, it was not so mentioned.

1. The petitioner has filed the second petition under Section 438 of Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.94, dated 24.05.2024, under Sections 452,323,324,148 and 149 of IPC (Section 326 of IPC added later on), registered at Police Station Kamboj,District Amritsar Rural (Annexure P-1).

2. Learned counsel for the petitioner contends that it is a case of version and cross-version and even the case under Section 324 and 326 of IPC has been registered against the present complainant side also. Learned counsel further contends that as per the case of the prosecution, the petitioner had caused an injury with axe on the left arm of Harjit Kaur, wife of the

complainant and the said injury has been declared to be simple in nature. Still further, the petitioner had caused an injury with stick (*sota*) on the left eye of Harjit Kaur and no opinion has been obtained by the police with regard to the said injury till date. Learned counsel further contends that in the peculiar facts and circumstances of the present case, the custodial interrogation of the petitioner may not be required and the present petition deserves to be allowed by this Court.

3. A short reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division Attari, Amritsar (Rural) has been filed on behalf of respondent-State and the same is taken on record.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was present at the place of occurrence and had actively participated in the crime. He further contends that the petitioner is attributed an injury on the right eye of Harjit Kaur as well as another injury on the left arm of Harjit Kaur.

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

6. In the present case, a cross version (Annexure P-2) has been registered against the complainant side under Sections 324 and 326 of IPC. Even two persons on the side of the petitioner had also suffered injuries. Thus, the question of aggressor is yet to be decided during the course of trial by the Trial Court.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail,

subject to the conditions as provided under Sections 438 (2) of Cr.P.C/ 482 (2) of B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438 (2) of Cr.P.C/ 482 (2) of B.N.S.S .

24.10.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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