

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49141-2024
Date of Decision:15.10.2024

Ravinder Singh @ Lala ...Petitioner

VS.

State of Punjab ...Respondent

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

Present : Mr. Ashok Giri, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.98, dated 13.07.2024 under Sections 115(2), 118(1), 126(2), 351(2) and 3(5) of BNS (offence under Sections 109/118(2) of BNS added later on) registered at Police Station Mullanpur, District SAS Nagar, Mohali (Annexure P-1).
2. Learned counsel for the petitioner submits that it is a case of version and cross version and the question of aggressor is yet to be decided by the Trial Court. He further submits that in fact, Gurnaib Singh had caused the following injuries to the present petitioner:-

1. “Left Hand Injury: Amputated wound seen on proximal phalyns (1/3 of Finger Upper) proximal aspect of amputated little finger by unknown object. X Ray left hand AP lateral”.

2. *Abrasion 1.5 cm seen on dorsum aspect of right hand.*
3. *Pain in chest due to blunt unknown object. Advised CXR (PA).*
4. *C/O pain in right hand and wrist. Advised X-Ray right hand and wrist AP lateral.*

He further submits that the petitioner has been attributed to blow with a spade on the head of Gurnaib Singh, complainant and the injury has been declared to be dangerous to life. But apparently, the said injury was caused by him in self-defence. Thus, no offence is made out against the present petitioner. He further contends that the petitioner is a rustic villager and the dispute had arisen between the parties with regard to the opening of water channel in the fields and the occurrence had taken place at the spur of the moment. Apart from that, Gurnaib Singh, accused in the cross version has already been granted the concession of anticipatory bail by the Court of Additional Sessions Judge, SAS Nagar, Mohali. Moreover, the petitioner is a first offender and is ready to join the investigation.

3. A status report by way of an affidavit of Deputy Superintendent of Police, Sub Division Kharar-2, District SAS Nagar 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 had caused an injury with a spade on the head of Gurnaib Singh, injured, which has been declared to be dangerous to life. Thus, the petitioner is the main accused and does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and with their able assistance, I have perused the file carefully.

6. Even though, the serious injury on the head of the complainant has been attributed to the present petitioner, however, this Court cannot lose sight of the fact that the petitioner has himself suffered serious injuries on person and a cross version under Sections 115(2), 126(2), 351(2) and 3(5) of B.N.S.S has already been registered against Gurnaib Singh, injured in the present case. Further, the petitioner is a rustic villager and Gurnaib Singh, accused in the cross-version has already been granted the concesssion of anticipatory bail.

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 482 (2) of the 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 482 (2) of the B.N.S.S.

15.10.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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