



CRM-M-50975 of 2024 1

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

217 **CRM-M-50975 of 2024**
DATE OF DECISION :- 21.10.2024

Kabal Singh @ Kabul Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Simrat Kaur, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Anmol Puri, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023. for grant of anticipatory bail to the petitioner in FIR No.0086 dated 9.08.2024 registered for offences punishable under Sections 115(2), 118(1), 118(2), 74, 298 and 3(5) of BNS, 2023 at Police Station Sadar Gurdaspur, District Gurdaspur.

2. On 15.10.2024, the following order was passed:-

“Apprehending his arrest in FIR No.0086 dated 9.08.2024 registered for offences punishable under Sections 115(2), 118(1), 118(2), 74, 298 and 3(5) of BNS, 2023 at Police Station Sadar Gurdaspur, District Gurdaspur; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Learned senior counsel, inter alia contends that the case in hand is one of version and cross-version; the injury stated to have been attributed to the petitioner which has invoked the offence of Section 326 of IPC is a datar blow on the left elbow of the complainant and the other injury attributed to the petitioner is a brick bat blow which



has been found to be simple in nature & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 21.10.2024.

The petitioner is directed to appear before the Investigating Officer on 17.10.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.”

3. Learned State counsel, on instructions from ASI Harminder Singh, has stated that pursuant to the order dated 15.10.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature and hence anticipatory bail ought not to be granted to the petitioner. It has been further submitted by learned counsel for the complainant that in case the anticipatory bail is granted to the petitioner there is likelihood that he may misuse the same by threatening the witnesses. Learned counsel for the complainant has further submitted that it has been specifically averred by the complainant that grievous injury is attributed to the petitioner.



CRM-M-50975 of 2024 **3**

5. In view of above, the present petition stands allowed and the interim order dated 15.10.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.
6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

21.10.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No