



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51402-2024
Date of Decision:18.10.2024

Harwinder Singh and Anr. ...Petitioners
vs.
State of Punjab ...Respondent

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

Present : Mr. J.K Singla, Advocate for the petitioners.
Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to them in case FIR No.107 dated 07.09.2024, under Sections 109, 115(2), 190 and 191 of B.N.S.,2023 registered at Police Station City Rampura, District Bathinda (Annexure P-1).
2. Learned counsel for the petitioners contend that they were not named in the FIR nor there is no any averment in the FIR, which even remotely connects the petitioners with the present crime. He further contends that the allegations were primarily levelled against Jeevenjot Singh, Satnam Singh and Maani Singh. The petitioners were known to the complainant, prior to the occurrence, still they were not named and the said fact would clearly establish that the petitioners had not participated in the occurrence. He further contends that as per the medical evidence, only one injury was declared to be grievous in nature and the remaining injuries were declared simple in nature and even the grievous injury is not attributed to both the petitioners. He further contends that in fact, the petitioners were not present at the time of alleged occurrence nor any specific role was

attributed to both of them even during the course of investigation. He next contends that both the petitioners are first offenders and the present petition is liable to be allowed by this Court.

3. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners were evading their arrest since long and there was sufficient incriminating evidence against them.

4. I have heard the rival contentions made by learned counsel for the parties and perused the record carefully.

5. In the present case, it is apparent that the parties are neighbour and were known to each other. Still, the petitioners were not named as the assailants by the complainant in the FIR. Thus, the petitioners have participated in the occurrence or not shall be adjudicated only during the course of trial. Even otherwise, the grievous injury which has been suffered by injured has not been attributed to the petitioners and the custodial interrogation of the petitioners may not be required, at this stage.

6. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of B.N.S.S. It will be open for the Investigating Officer to call the petitioners to join the investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 482 (2) of B.N.S.S.

18.10.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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