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

CRM-M-55293-2024**Date of Decision: 17.12.2024**

Manpreet @ Manpreet Kumar and another

...Petitioners

vs.

State of Punjab

...Respondent

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

Present : Mr. Manmeet Singh Rana, 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 Bharatiya Nagarik Suraksha Sanhita, 2023, with a prayer to grant anticipatory bail to them in case FIR No.78 dated 29.08.2024, registered under Sections 118(1), 115(2), 324(2), 191(3), 190 of BNS, 2023 (offence under Section 118(2) of BNS added later on), at Police Station Behram, District SBS Nagar.

2. Learned counsel for the petitioners contends that both the petitioners are young boys, aged about 25 years and 20 years respectively and have been falsely involved in the present case. As per case of the prosecution, petitioner No.1 had given a blow with sword, which had hit on the left elbow of the complainant, whereas petitioner No.2 had allegedly given a blow with sword on the backside of the head of the complainant. Learned counsel further contends that the injury, which was allegedly caused by petitioner No.1, has been declared to be grievous in nature, however, the said injury is on the non-vital part of the body. Learned counsel further contends that in fact, the complainant party was the real aggressor in the present case and had caused

serious injuries on the person of Jatinder Kumar, brother of the petitioners, which is apparent from the MLR (Annexure P-2) as well as photograph (Annexure P-3). Learned counsel further contends that the injury on the head of the complainant has been declared to be simple in nature. He further contends that the question of aggressor in the present case is yet to be determined before the trial Court and further custody of the petitioners will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that both the petitioners had actively participated in the commission of crime.

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

5. In the present case, injury attributed to petitioner No.1 on the left elbow of the complainant has been declared to be grievous in nature and the said injury is on the non-vital part of the body, whereas, injury caused by petitioner No.2 has been declared to be simple in nature. It is a case of version and cross version and the question of aggressor is yet to be decided by the trial Court.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioners are 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 petitioners to join 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 BNSS.

(N.S.SHEKHAWAT)
JUDGE

17.12.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No