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

CRM-M-59837-2024**Date of Decision: 17.12.2024**

Salam @ Salamat Masih & others

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Proxy counsel for Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

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

Ms. Ravinder Kaur Manaise, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. At the very outset, learned counsel appearing on behalf of the petitioners does not press the present petition qua Samuel Masih, petitioner No.3.

2. Dismissed as withdrawn qua petitioner No.3.

3. The petitioners No.1, 2 and 4 have filed the present petition under 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, with a prayer to grant anticipatory bail to them in case FIR No.102 dated 12.09.2024, registered under Sections 115(2), 118(1), 118(2), 333, 351(2), 191(3), 190 of BNS, (Section 118(2), 117(2) added later on), at Police Station Dera Baba Nanak, District Gurdaspur.

4. Learned counsel for the petitioners contends that as per the version of the prosecution, petitioner No.1 had caused an injury with a datar on the left hand of Lakhwinder Singh and the said injury has been declared to be simple in nature. He further contends that Ravinder Singh @ Maddy, petitioner No.2 had caused an injury with a datar on the left wrist and right forearm of Palwinder Singh and both the injuries have been declared to be grievous in nature. He further contends that petitioner No.2 is also attributed an injury on the head and right hand fingers of Gagandeep, which have been declared to be simple in nature. Learned counsel further contends that even as per the case of the prosecution, Sandeep Masih @ Happy, petitioner No.4 had caused injuries with a datar on the right hand little finger of Palwinder Singh and another injury on the middle of the head and both the injuries have been declared to be simple in nature. Learned counsel further contends that it is a case of version and cross version and the complainant party was the real aggressor in the present case. The cross case has also been registered vide Cross GD No.45 dated 23.10.2024 (Annexure P-6). Learned counsel for the petitioners has placed reliance on the orders (Annexures P-2 to P-5) passed by this Court, whereby the concession of anticipatory bail has been granted to Raj Kaur, Sawinder Masih, Mandeep Singh alias Aman Masih, John Masih alias Jain Masih and Fariyad Masih.

5. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Dera Baba Nanak, Police District Batala, District Gurdaspur has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel, assisted by learned counsel for the complainant, have vehemently opposed the submissions made by learned counsel for the petitioners No.1, 2 and 4 and submit that all the

petitioners along with their co-accused had caused serious injuries to the complainant side and the petition deserves to be dismissed by this Court.

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

7. It is not in dispute that similarly placed co-accused, namely, Raj Kaur, Sawinder Masih, Mandeep Singh alias Aman Masih, John Masih alias Jain Masih and Fariyad Masih have already been admitted to bail vide orders Annexures P-2 to P-5. Even the petitioners are also at par with them and the petition deserve to be allowed by this Court.

8. Without commenting any further on the merits of the case, the present petition is allowed. The petitioners No.1, 2 and 4 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 petitioner to join 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 BNSS.

(N.S.SHEKHAWAT)
JUDGE

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