

2024:PHHC:165802



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

SR. No.104

CRM-M-62500-2024

Date of decision:12.12.2024

Shiv Ram

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Gaurav Rana, Advocate for the petitioner.

N.S. SHEKHAWAT, J.

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 a case FIR No. 103, dated 03.11.2024, under Sections 115(2), 117(2), 3(5) of BNS (Sections 118(1) and 118(2) of BNS added later on) registered at Police Station Balachaur, District SBS Nagar.

2. Learned counsel for the petitioner contends that it is a case of version and cross-version, in which both the sides had suffered injuries. He further contends that even the cross version (Annexure P-1) in the shape of GDR No.23, dated 06.11.2024, under Sections 115(2), 118(1), 118(2), 333, 191 (3), 190 of BNS, Police Station Balachaur, District SBS Nagar was also registered against the complainant side, at the instance of the accused-petitioner in the present case. Learned counsel further contends that in fact the complainant party was the aggressor and had attacked the petitioner and his family members. However, in defence, the petitioner side had also caused certain injuries to the complainant. Even as per the allegations

levelled by the complainant, the petitioner had caused an injury with a *Danda* on the left arm of the complainant, which had been declared to be simple in nature. Learned counsel further submits that co-accused Avtar Kaur, who is similarly situated, has already been granted the concession of anticipatory bail by this Court vide order dated 04.12.2024 passed in CRM-M-60703-2024.

3. On an advance notice, Mr. I.P.S. Sabharwal, DAG, Punjab has put in appearance on behalf of the State and vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner and his co-accused had caused serious injuries to the complainant in the present case. Even the petitioner was named in the FIR and a specific role has been attributed to him.

4. I have heard the learned counsel for the parties and perused the record carefully in the present case.

5. In the present case, a cross version (Annexure P-1) was already registered against the complainant side on the statement of Onkar Ganger. Even both the sides had suffered injuries and the question of aggressor is yet to be determined by the trial Court. Apart from that, it is also apparent from the MLR of Onkar Ganger that he had suffered 12 injuries on his person. Even the injury, which was allegedly caused by the petitioner, has been declared to be simple in nature.

6. 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 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 B.N.S.S.

(N.S. SHEKHAWAT)
JUDGE

12.12.2024
mks