



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

CRM-M-370-2025

Date of Decision: 17.01.2025

Sukh Pal Singh alias Sukha

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Munish Puri, Advocate, for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.0092 dated 25.11.2024, registered under Sections 109, 118(1), 115(2) and 3(5) of BNS, at Police Station Taragarh, District Pathankot.

2. Learned counsel for the petitioner contends that Rahul Saini @ Kalu, co-accused had love affair with Pallavi, relative of the complainant. Rahul Saini @ Kalu and Pallavi had performed marriage against the wishes of their family members and also filed a petition before this Court i.e. CRWP-4863-2023 and vide order dated 19.05.2023, they were granted the protection by this Court. Learned counsel further contends that the complainant and other family members of Pallavi had attacked the petitioner side and both the sides had suffered injuries in the occurrence. Even Rahul Saini @ Kalu had suffered serious injuries on his person. Learned counsel further contends that as per the complainant, the petitioner had caused injuries with reverse side of dattar on the



back, right thigh and waist of Ashwani Kumar. He further relies upon the order (Annexure P-7) to contend that similarly placed co-accused Rahul Saini @ Kalu has been granted the concession of interim anticipatory bail by this Court.

3. On the other hand, reply by way of an affidavit of Deputy Superintendent of Police (Rural), District Pathankot has been filed on behalf of the respondent-State in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner has been specifically named in the present case and the complainant remained admitted in PGI for treatment.

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

5. In the present case, the injury, which was allegedly caused by the petitioner to Ashwani Kumar, complainant has been declared to be simple in nature and the injured has already been discharged from the hospital. Moreover, it is a case of version and cross-version and the question of aggressor is yet to be decided by the trial Court during the course of trial.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the 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 the BNSS.

(N.S.SHEKHAWAT)
JUDGE

17.01.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No