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

CRM-M-68-2025

Date of Decision: 14.01.2025

Harjinder Singh and another

...Petitioners

VS.

State of Punjab

...Respondent

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

Present : Mr. J.K.Singla, Advocate
for the petitioners.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. At the very outset, learned counsel for the petitioners submits that he may be permitted to withdraw the petition qua petitioner No.2-Gurdeep Singh @ Deep.
2. Dismissed as withdrawn qua petitioner No.2-Gurdeep Singh @ Deep, only at this stage.
3. On the oral request made by learned counsel for the petitioner, the offence under Section 17(2) of BNS is ordered to be added in the headnote as well as the prayer clause of the main petition.
4. The Registry of the Court is directed to carry out the necessary correction in the headnote as well as in the prayer clause of the main petition.
5. The petitioner-Harjinder Singh has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in impugned GD No.41 dated 24.09.2024 under



Sections 126(2), 115(2), 118(1), 3(5), 17(2) of BNS, 2023 and offence under Sections 118(2) of BNS was added later on vide DDR No.35 dated 03.10.2024 in FIR No.115 dated 19.09.2024 under Sections 333, 115(2), 191(3), 190, 324(4), 61(2) of BNS, at Police Station Nathana, District Bathinda.

6. Learned counsel for the petitioner contends that as per version of the complainant, the petitioner had come at the spot empty handed and had exhorted all other co-accused to cause injuries to the injured in the present case. Except that, no other role has been assigned to the present petitioner. Learned counsel for the petitioner further contends that the present cross version has been recorded by the police after a delay of about 5 days and the petitioner has been named as an accused with malafide intention. He further contends that even the prosecution has not alleged any motive against the present petitioner and he had no reason to participate in the occurrence. Even otherwise, several persons of both the sides have suffered injuries and the question of aggressor is yet to be determined by the trial Court.

7. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

9. In the present case, it is not in dispute that the cross version has been recorded after a delay of 5 days of the occurrence. It is also admitted that the accused named in the General Diary as well as the FIR have suffered injuries in the present case and at this stage, this Court cannot decide the question of aggressor. Still further, the petitioner is stated to be empty handed



and the only role assigned to him is that he had exhorted his co-accused to cause injuries to the opposite side.

10. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner-Harjinder Singh 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

14.01.2025
hemlata

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