



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

CRM-M-550-2025

Date of Decision: 20.01.2025

Surjit Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Ms. Dhivya Jerath, Advocate, for the petitioner.
 Mr.M.S.Bajwa, Deputy Advocate General, Punjab.
 Mr. Harshit Jain, Advocate, for the complainant.

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.159 dated 24.12.2024, registered under Sections 109, 118(1), 115(2), 133, 190, 191(3) of BNS, at Police Station City Rampura, District Bathinda.

2. Learned counsel for the petitioner contends that the petitioner has been wrongly named in the present FIR. In fact, the complainant party is the political opponent of the present petitioner. As per her, the petitioner had contested the election for the post of Municipal Councilor at Rampura Phul, which was held on 21.12.2024 and had won the election as independent candidate, whereas the candidate supported by the complainant party had lost the election. She further submits that it is a case of version and cross version and the complainant party was the real aggressor. Even otherwise, the question of aggressor is yet to be determined by the trial Court during the course of trial.

Learned counsel further contends that all the injuries suffered by the injured in



the present case have been declared to be simple in nature and the offence under Section 109 of BNS has been wrongly added in the present case. Even the petitioner has been attributed a kirch blow on the right leg of the complainant, however, the said injury has also been declared to be simple in nature.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had actively participated in the commission of crime and a specific role has been assigned to him.

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

5. No doubt, the offence under Section 109 of BNS has been added in the present case, but all the injuries suffered by the injured in the present case have already been declared to be simple in nature. Even a cross version in the shape of DDR No.23 dated 24.12.2024 (Annexure P-2) has already been recorded by the police 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 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

20.01.2025
hemlata

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