



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

CRM-M-1997-2025

Date of Decision: 10.02.2025

Jagdish @ Jagdish Raj

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Amandeep Singh Manaise, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

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. 39, dated 01.08.2024, under Sections 115(2), 118(2), 3(5) of B.N.S, registered at Police Station Behrampur, District Gurdaspur, Punjab (Annexure P-1).

2. Learned counsel for the petitioner contends that as per the F.I.R, the petitioner had allegedly caused a blow with a spade on the head of the complainant and the said injury has been declared to be simple in nature. He further contends that in the present case, the offence under Section 118(2) of B.N.S has already been deleted by the police. Even it has been discovered during the investigation that the medical record in the present case was manipulated by the complainant side. Even, the petitioner Jagdish @ Jagdish Raj had also suffered injuries in the present case and a cross version has also

been registered against the complainant side. Thus, it is a case of version and cross-version and the question of aggressor is yet to be decided by the Trial Court.

3. On the other hand learned counsel for the complainant 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 had participated in the occurrence. However, learned State counsel does not dispute the fact that all the injuries suffered by the injured in the present case have been declared to be simple in nature and Section 118(2) of B.N.S has been deleted in the present case.

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

5. It is an admitted fact that at this stage, all the injuries suffered by Vijay Kumar, injured have been declared to be simple in nature. Even, the injury, which is attributed to the present petitioner has already been declared to be simple in nature. Apart from that, both the parties had suffered injuries in the present incident and the question of aggressor is yet to be decided by the Trial Court.

6. Thus, without commenting any further, 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.

7. The above observations have been made only for the limited purpose of the disposal of the bail application and the Trial Court shall decide the trial on

the basis of the evidence led by both the sides.

10.02.2025

hitesh

(N.S.SHEKHAWAT)
JUDGE

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