



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

**CRM-M-4855-2025**

**Date of Decision:10.02.2025**

Bhola Nath

...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.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the second 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 the petitioner had earlier filed a petition i.e.CRM-M-47266-2024 for the same relief. However, this Court had dismissed the petition by passing a speaking order. Thereafter, co-accused Jagdish @ Jagdish Raj had filed a petition i.e.CRM-M-1997-2025 before this Court with a prayer to grant of concession of anticipatory bail to him. This Court vide order dated 16.01.2025, had directed the Senior Superintendent of Police, Gurdaspur to read the file of the Investigating Officer and to file para-wise reply to the petition. In compliance of the order passed by

this Court, a detailed status report was filed before this Court and it was found that the injuries, which is attributed to the petitioner was “an old healed injury” more than six weeks old at the time of CT-scan i.e on 18.07.2024. He further contends that now the offence under Section 118(2) of B.N.S has been ordered to be deleted by the police. Learned counsel for the petitioner further contends that the injury, which is attributed to the present petitioner has been manipulated by the complainant and it was found to be “an old healed injury”. Moreover, all the injuries which have been suffered by the injured in the present case have been declared to be simple in nature and the offence under Section 118(2) of B.N.S has been ordered to be deleted. He further contends that in view of the changed circumstances, the present petition is maintainable before this Court and the petitioner is ready to join the investigation.

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 and other co-accused had caused serious injuries on the person of the complainant. However, learned State counsel admits that Section 118(2) of B.N.S has been ordered to be 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. In the present case, the injuries suffered by the injured were declared to be simple in nature and the offence under Section 118(2) of B.N.S has been ordered to be deleted by the police. Moreover, it is a case of version and cross-version 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 |