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

CRM-M-6932-2025

Date of Decision: 14.02.2025

Rajat alias Rajat Singh and others

...Petitioners

VS.

State of Punjab

...Respondent

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

Present : Mr. Jasjit Singh Saini, Advocate with
Mr. Sumit Kumar, Advocate, for the petitioners.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to them in case FIR No.7 dated 15.01.2025, registered under Sections 115(2), 118(1), 126(2), 351(2), 324(4), 3(5) of BNS of 2023, (old Sections 323, 324, 341, 506, 427, 34 of IPC), at Police Station Mukerian, District Hoshiarpur.

2. Learned counsel for the petitioners contends that the petitioners No.1 and 3 are both serving in Army as Naik for the last more than 10 years and have been falsely involved by the complainant side. Learned counsel further contends that as per the allegations levelled by the complainant, petitioner No.1 had caught hold of the complainant from behind, petitioner No.2 gave blows with datar on the waist, forehead and left bicep of the complainant, whereas, petitioner No.3 gave injuries with baseball bat on the waist of the complainant. He further contends that all the injuries, caused by the three petitioners, have been declared to be simple in nature. Moreover, it is a case of version and cross-



version and both the sides had suffered injuries in the incident. Thus, the question of aggressor is yet to be decided by the Court.

3. In compliance of order dated 06.02.2025 passed by this Court, an affidavit of Deputy Superintendent of Police, Sub-Division Mukerian, District Hoshiarpur has been filed by learned State counsel and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that serious allegations have been levelled against the present petitioners and they do not deserve the concession of bail by this Court.

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

5. In the present case, both sides have suffered injuries and the prosecution is yet to lead evidence to show that the accused were the aggressor in the present case. Moreover, all the injuries, which are attributed to all the three petitioners, are declared to be simple in nature. Thus, the custodial interrogation of the petitioners may not be required at this stage.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioners are 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 petitioners to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 482(2) of the BNSS.

(N.S.SHEKHAWAT)
JUDGE

14.02.2025
hemlata

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