

prosecution, petitioner No.1 was armed with a *danda* and had pelted stones on the complainant party. Further, petitioner No.2 was allegedly armed with an iron rod and had caused injuries to Pala, injured with an iron rod. Apart from that, no other role has been assigned to both the petitioners.

3. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Hathin has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the injury, which attracted the offence under Section 109(1) of BNS is attributed to Anu Rawat, co-accused and he has been arrested in the present case. He further contends that there is a CCTV footage of the occurrence, which clearly shows that both the petitioners have actively participated in the commission of crime. However, none of them had fired shots on the complainant. He further contends that no cross-version has been recorded by the police and the arguments raised by learned counsel for the petitioner is not tenable.

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

5. In the present case, admittedly, the gun shot injury on the hand of the complainant, which led to the addition of offence under Section 109(1) of BNS, is attributed to Anu Rawat, co-accused. Even it is a case of version and cross-version 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 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

23.07.2025
hemlata

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