

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-17747-2025 (O&M)

Date of Decision: 30.04.2025

BALDEV RAJ AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Inderjit Sharma, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in cross-case bearing Rapat No.9 dated 16.02.2025 under Sections 333, 117(2), 115(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 118(2) of BNS (added later on vide GD No.18 dated 03.03.2025), in FIR No.14 dated 15.02.2025 under Sections 117(2), 115(2), 191(3), 190 of BNS, registered at Police Station Dorangla, Tehsil Dinanagar, District Gurdaspur.

2. On 01.04.2025, following order was passed:

"Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in cross-case bearing Rapat No.9 dated 16.02.2025 under Sections 333, 117(2), 115(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 118(2) of BNS (added later on vide GD No.18 dated 03.03.2025), in FIR No.14 dated 15.02.2025 under Sections 117(2), 115(2), 191(3), 190 of BNS, registered at Police Station Dorangla, Tehsil Dinanagar, District Gurdaspur.

Learned counsel for the petitioners, inter alia, contends that it is a case of version and cross-version. The cross-



version case was registered as a counter-blast to the FIR (supra) and offence under Section 118(2) of BNS has been added after a delay of 01 month and 09 days. Further, no grievous injury is attributed to the petitioners. Additionally, nature and extent of injury clearly indicates that it is caused with friendly hand.

Notice of motion.

Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and Mr. Mitul Singh Rana, Advocate appears on behalf of the complainant and files Memorandum of Appearance in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file.

Learned counsel for the complainant opposes the prayer for grant of anticipatory bail to the petitioners on the ground that there is no delay on the part of the complainant to register the cross-version case. The jurisdictional police authorities immediately received medical record of the complainant.

Adjourned to 30.04.2025.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

If the Arresting Officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in the investigation, in terms of the order of this Court.



Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

3. Learned State counsel on instructions from ASI Rajpal, submits that in compliance of order dated 01.04.2025 passed by this Court, the petitioners have joined the investigation and are not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 01.04.2025, is made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 482(2) of BNSS, 2023.
5. The petition is accordingly disposed of.

30.04.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>