

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

413

CRM-M-33699-2024 (O&M)
Date of Decision : 26.09.2024

GURDEEP SINGH

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present: Ms. Nirmal Kaur, Advocate
for the petitioner.

Mr. Adesh Pal Singh,AAG, Punjab.

Mr.Amaninder Singh Sekhon, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 (Section 438 of Cr.P.C.), the
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
50	12.06.2024	379-B, 323, 341, 506, 148 and 149 IPC and 238 BNS	Mamdot, District Ferozepur

2. Learned counsel for the petitioner submits that the petitioner
has joined the investigation in compliance with the order dated 09.09.2024.

3. Learned State counsel, on instructions from ASI Ram Parkash
submits that the petitioner has joined the investigation and is not required
for further investigation. However, he submits that offence under Section

2024:PHHC:128482



238 of BNS has been added.

4. Learned counsel appearing on behalf of the complainant has opposed the interim bail application.

5. During the course of proceedings, following order was passed by this Court on 09.09.2024 :-

“1. Status report dated 21.08.2024 filed in the form of an affidavit of Deputy Superintendent of Police, (Rural), Ferozepur is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

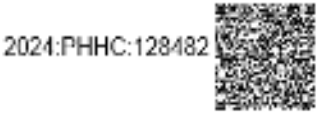
2. Heard.

3. Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in this case on account of his family having lent Rs.1.20 lakhs to the complainant party. She refers to unexplained delay of 12 days in lodging the FIR to further say that in the FIR itself, the petitioner is not alleged to have snatched the currency notes as well as the tractor from the complainant. She further submits that the alleged injury attributed to the petitioner is simple in nature and not on the vital part of the complainant.

4. Learned State counsel on instructions from ASI Ram Parkash has not disputed the factual matrix and admits that that injury attributed to the petitioner is simple in nature and nothing has been recovered from accused Falak Singh, who was earlier arrested and later granted the concession of bail.

5. Learned counsel for the complainant has opposed the petition on the ground that the petitioner had been the part of the gang, which had snatched the tractor and an amount of Rs.30,000/- from the complainant.

6. Be that as it may, without commenting on the merits of the case, the petitioner is hereby directed to join investigation



within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482 (2) BNSS.

7. *List on 24.09.2024.”*

6. Since as stated by the learned State counsel, the petitioner has joined the investigation consequent to the order dated 09.09.2024 passed by this Court and he is no more required for further investigation, interim bail granted vide order dated 09.09.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. Therefore, without commenting on the merits of the case and keeping in view the averments made by learned State counsel, the present petition is allowed; the offence under Section 238 of BNS is ordered to be incorporated in the headnote and in the prayer clause of the petition, as prayed for.

26.09.2024
Satyawar

(SANJIV BERRY)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No