



CRM-M-34132 of 2024 1

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

206 **CRM-M-34132 of 2024**
DATE OF DECISION :- 02.09.2024

Tota Singh **...Petitioner**

Versus

State of Punjab and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Raman Kumar, Advocate for the petitioner.
Mr. Anup Singh, AAG, Punjab.
Mr. Abhishek Sharma, Advocate for respondent No. 2.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS seeking pre-arrest bail to the petitioner in FIR No. 39 dated 27.05.2024, registered for offences under Sections 363,506 of the IPC (under Section 376 IPC added later on), at Police Station, Ladhuwal, District Police Commissionerate, Ludhiana.

2. On 01.08.2024, the following order was passed:-

“Mr. Abhishek Sharma, Advocate has appeared and filed power of attorney on behalf of respondent No.2. The same is taken on record.

With the assistance of the learned State counsel, this Court has perused the statement made by the victim under Section 164 of Cr.P.C.

Learned counsel for the petitioner, inter alia, contends that the petitioner and the victim were having consensual friendship which was not to the liking of the family of the victim and hence the petitioner has been falsely implicated into the FIR in question; The petitioner and the victim had filed a protection petition (CRWP-5404-2024) before this Court which came to be disposed off vide



order dated 07.06.2024 & the petitioner is willing to join investigation and cooperate therein.

Adjourned to 02.09.2024.

The petitioner is directed to appear before the Investigating Officer on 07.08.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of BNSS.”

3. Learned State counsel, on instructions from ASI Jiwan Singh, has stated that pursuant to the order dated 01.08.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant-respondent No. 2 has vociferously opposed the grant of anticipatory bail by arguing that the allegations made against the petitioner are serious in nature and hence anticipatory bail ought not to be granted to the petitioner.

5. In view of above, the present petition stands allowed and the interim order dated 01.08.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition



CRM-M-34132 of 2024 **3**

stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

9. The present order shall be read in respect of offence under Section 366-A of IPC as well.

(SUMEET GOEL)
JUDGE

02.09.2024
P.Singh

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