

CRM-M-34937 of 2024

1

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

218

CRM-M-34937 of 2024

DATE OF DECISION :- 22.08.2024

Jashan Singh (minor) through his father**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present:- Ms. Amarjot Kaur, Advocate
for Mr. Sukhbir Maandi, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in FIR No. 117 dated 26.11.2021, registered for offences under Sections 363,366-A of the IPC (lateron added offence under Sections 366,201,120-B of IPC), at Police Station Chohla Sahib, District Tarn Taran.

2. On 24.07.2024, the following order was passed:-

“Apprehending his arrest in FIR No.117 dated 26.11.2021 registered for offences punishable under Sections 363 and 366-A of IPC (later on Sections 366, 201 and 120-B of IPC were added) at Police Station Chohla Sahib, District Tarn Taran; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Inter alia contends that the petitioner is a juvenile; anticipatory bail at the instance of the juvenile is maintainable in terms of dicta of a



judgment rendered by this Court in CRM-M-17856-2020 titled as 'Jatin Vs. State of Punjab'; co-accused, namely, Ajay Pal Singh @ Ajay had an affair with the daughter of the complainant which was not to the liking of family of the victim; the co-accused Ajay Pal Singh @ Ajay and the victim have solemnized marriage; no recovery is to be effected from the petitioner & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 22.08.2024.

The petitioner is directed to appear before the Investigating Officer on 30.07.2024 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 Bharatiya Nagarik Suraksha Sanhita, 2023."

3. Learned State counsel, on instructions from ASI Gurmukh Singh, has stated that pursuant to the order dated 24.07.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition stands allowed and the interim order dated 24.07.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

5. 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.



6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

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

(SUMEET GOEL)
JUDGE

22.08.2024
P.Singh

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