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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35256-2024

Date of decision: 22.08.2024

Bhupinder Kumar alias Bhupinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** None for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita (BNSS) seeking anticipatory bail in case bearing FIR
No.217 dated 04.07.2024 under Section 74 of Bharatiya Nyaya Sanhita
registered at Police Station Dera Bassi, District Mohali (SAS Nagar), Punjab.

On 25.07.2024, the following order was passed:-

'The instant petition is preferred under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2023, seeking anticipatory bail in FIR No.217 dated 04.07.2024 under Section 74 of Bharatiya Nyaya Sanhita, registered at Police Station Dera Bassi, District SAS Nagar (Mohali).

Learned counsel for the petitioner, inter alia, contends that the petitioner is victim-landlord. He objected to behaviour of the complainant and on account of arguments between them, the petitioner has been falsely implicated in the present case. The dispute between the parties is amicably settled, which is discernible from settlement agreement dated 18.07.2024 (Annexure P-2). Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 05 years.

Notice of motion for 22.08.2024.

At this stage, Mr. Gaurav Jain, Advocate appears on behalf of the complainant and files his Vakalatnama, which is taken on record. He admits the factum of compromise between the petitioner and the complainant.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021)***



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2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioner is 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 petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner 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 the trial Court shall decide the same on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from ASI Amarjeet Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 25.07.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

22.08.2024

Neha

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