IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-35736-2024 (O&M)
Date of Decision:- 03.10.2024

RAJ KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. K.H.S. Bath, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

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SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
55	20.03.2024	36(1) of Punjab Apartment and Property Regulation Act, 1995	Jamalpur, District Ludhiana

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 29.08.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions received from ASI Harjinder Singh has intimated that the petitioner has joined investigation and

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is no more required for any custodial investigation in this case nor he is required for further investigation.

4. Heard.

5. During the course of hearing on 29.08.2024, the following order was passed:-

> *" 2. Learned counsel for the petitioner submits that the instant FIR has been registered on the rejection of appeal by the competent authority only on the ground that the petitioner had not supplied the documents. He further contends that no such communication was received from the competent authority for supplying of any document and the competent authority has on its own proceeded to get the instant FIR registered without calling the petitioner to produce the documents. He contends that the competent authority while rejecting the plea of the petitioner arbitrarily vide order Annexure P-5 ordered registration of the instant FIR. He submits that the appeal against the order (Annexure P-5) is already pending vide Annexure P-6 before the appellate authority and petitioner is ready to join the investigation.*
>
> *3. Learned State counsel has not disputed the factual matrix and has referred to the reply submitted by State for dismissal of the petition.*
>
> *4. After hearing the respective submissions and without commenting on the merits of the case at this stage, it is deemed appropriate that the petitioner should join investigation first before deciding the petition on merits and the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to 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) of BNSS, 2023.*
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> *5. List on 24.09.2024."*

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 29.08.2024 passed by this Court, interim bail

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granted vide order dated 29.08.2024 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. The petition stands allowed.

(SANJIV BERRY)
JUDGE

03.10.2024
S.Sharma(syr)

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No

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