



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

**CRM-34371-2024 in/and
CRM-M-35791-2024
Date of Decision : 02.09.2024**

LOVEPREET SINGH

.....Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Deepak Negi, Advocate,
for the applicant/petitioner(s).

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. Ashish Naik, Advocate,
for respondent no.2-complainant.

**KULDEEP TIWARI, J.(Oral)
CRM-34371-2024**

1. Through the instant application, prayer is made for amendment in the head note and prayer clause of the accompanying petition (CRM-M-38499-2024) whereby, the petitioner had sought interim regular bail, by making addition of Sections 61(2) and 109 of the Bhartiya Nagrik Suraksha Sanhita, 2023, which were later on added by the investigating agency, in the instant FIR no.247, dated 06.07.2024.
2. Notice in the application.

3. Mr. Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State and submits that he does not object that if the application is allowed.

4. For the good and valid reasons mentioned in the application, same is **allowed**. Further the Registry is directed to carry out the necessary corrections in the head note and the prayer clause of the petition by making additions of Sections 61(2) and 109 of the Bhartiya Nagrik Suraksha Sanhita, 2023.

CRM-M-35791-2024

5. Vide order dated 29.07.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.247 dated 06.07.2024, under Sections 331(6), 118(1), 115(2) and 3(5) of The Bharatiya Nyaya Sanhita, 2023, registered at P.S. City Faridkot.

2. The learned counsel for the petitioner submits that neither the petitioner was present at the place of occurrence, nor any specific injury has been attributed to him. The only role assigned to the petitioner, as surfaced during investigation is that, two days prior to the alleged occurrence, he did reiki about the movement of the complainant and the injured, who had come to India from the United States.

3. Notice of motion.

4. Mr. Pardeep Bajaj, D.A.G., Punjab, waives service of notice on behalf of the respondent No.1-State. Moreover, on instructions imparted to him by the official concerned, he informs this Court that total 07 persons have been nominated as accused in the present FIR, out of whom, 04 have already been arrested; 02 are stated to be in the United States and 01 is the present petitioner. He further informs that it was petitioner's co-accused Diljot Singh @ Jota and Ammy, who caused injuries with axe to the injured/victim and some of the injuries were subsequently declared “grievous in nature”.

5. Mr. Ashish Naik, Advocate, who records his appearance on behalf of the respondent No.2/complainant and the injured, under two separate validly executed Vakalatnamas instituted before this Court today, waives service of notice on behalf of the respondent concerned. He opposes the grant of anticipatory bail to the petitioner, on the ground that, injured Devansh, who was only 16½ years old at the time of occurrence, has also been inflicted injuries with sharp edged weapons. The petitioner and his co-accused acted at the behest of the main

accused/conspirator Amandeep Singh and caused injuries to the complainant and injured/ victim without any provocation.

6. Be that as it may, since there is no dispute that the petitioner has not caused any injuries to the injured/victim, therefore, this Court deems it appropriate to grant him the asked for relief.

7. Therefore, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

6. Today, learned State counsel has filed a short reply, dated 01.09.2024, by way of affidavit of Mr. Shamsheer Singh, DSP, Sub-Division, Faridkot, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

7. Learned State counsel, on instructions imparted to him by ASI Tej Singh, also informs this Court that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for any further custodial interrogation.

8. In view of the above, the hereinabove extracted interim order dated 29.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

9. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

10. Needless to say that anything observed hereinabove shall not
be construed to be an opinion on the merits of the case.

September 02, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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