



CRM-M-36622-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36622-2024 (O&M)
Date of Decision: 05.09.2024

GAURAV KUMAR

.. Petitioner

Vs.

STATE OF PUNJAB AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. V.K. Kathpal, Advocate for the petitioner.
Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 BNSS for grant of anticipatory bail to the petitioner in FIR No.56 dated 27.04.2024 registered for offences punishable under Sections 363 and 366-A of IPC at Police Station Urban Estate, District Patiala.
2. Office note indicates that *dasti* service has been effected upon respondent No.2. However, none has caused appearance on her behalf.
3. On 31.07.2024, the following order was passed:-

“Apprehending his arrest in FIR No.56 dated 27.04.2024 registered for offences punishable under Sections 363 and 366-A of IPC at Police Station Urban Estate, District Patiala; 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 has been falsely implicated into the FIR in question as the victim was having a consensual friendship with one Anshdeep which was not to the liking of the family of the victim; the victim as also the said person, namely, Anshdeep had filed a protection petition before this Court vide CRWP-3824-2024 & 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 respondent No.1-State.

Adjourned to 29.08.2024.



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The petitioner is directed to appear before the Investigating Officer on 06.08.2024 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 Bharatiya Nagarik Suraksha Sanhita, 2023.”

4. Learned State counsel, on instructions from SI Gurmander Singh, has stated that pursuant to the order dated 31.07.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
5. In view of above, the petition is allowed and interim order dated 31.07.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.
6. This order should not be treated as “blanket” order. It will not be interpreted as 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 stipulated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 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.

05.09.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No