

CRM-M-37060 of 2024

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

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CRM-M-37060 of 2024

DATE OF DECISION :- 10.09.2024

Gobind Singh alias Gobinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Rajat Verma, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

Affidavit of Sh. Ankur Gupta, IPS, Senior Superintendent of Police, District Moga filed in the Court today. The same be taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

Mr. Sarabjit Singh Cheema, Advocate and Mr. Tejbir Singh Hundal, Advocate has filed vakalatnama for the complainant. The same be taken on record.

1. This petition has been filed under under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 66 dated 19.05.2024, registered for offences under Sections 354-C,506,34 of IPC (later on added Sections 376,306 IPC and Section 4 of POCSO Act), at Kot Ise Khan, District Moga.

2. On 02.08.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 66 dated 19.05.2024 registered for offences punishable under Sections 354-C,506,34 IPC (later on added Sections 376,306 of IPC and Section 4 of POCSO Act) at Police Station Kot Ise Khan, District Moga; the



petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that the role prescribed to the petitioner is only that he had introduced the deceased with the main accused namely Bhola Singh; the said Bhola Singh has since been arrested and is presently in custody & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

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

Adjourned to 03.09.2024.

The petitioner is directed to appear before the Investigating Officer on 07.08.2024 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 BNSS, 2023.

A perusal of the FIR shows that it has been specifically recorded in the police action taken upon the FIR that “Due to VIP duty, the statement of the victim could not be recorded on 14/15.05.2024.”

The Senior Superintendent of Police, Moga is directed to furnish an explanatory affidavit in this regard.”

3. Learned State counsel, on instructions from ASI Raghuvinder Dhir, has stated that pursuant to the order dated 02.08.2024, 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 02.08.2024 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

10.09.2024

P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No