



CRM-M-37265-2024

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37265-2024
Date of decision: 17.09.2024

Rajesh MahajanPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Amit Dhawan, 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 of the
Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks
anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
117	03.09.2023	379 IPC (411, 413, 201, 34 IPC added lateron)	Division No. 2, District Police Commissionerate, Jalandhar

2. Learned counsel for the petitioner submits that in
compliance to the order dated 03.09.2024 the petitioner has joined the
investigation.

3. During the course of hearing on 03.09.2024, following
order has been passed: -

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'ASI Gopal Singh, Investigating Officer of the case is present in Court today.

2. Record perused.

3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is a scrap dealer having no concern with the alleged transaction and has been nominated on the basis of disclosure statement of accused Raman Kumar, from whom, in fact, all parts of the car, have already been recovered by the police and the police is unnecessarily harassing the petitioner.

4. Per contra, learned State counsel, on instructions from ASI Gopal Singh, submits that the petitioner has been nominated on the basis of disclosure statement given by Raman Kumar, who in fact himself, was nominated on the basis of disclosure statement of accused Sunny Preet Singh alias Sunny. He further submits that recovery is to be effected from the petitioner.

5. The perusal of the aforesaid disclosure statement would reveal that the main accused Sukhjinder Singh alias Sukha son of Malkeet Singh, had already been nominated in this case way back on 02.11.2023, but till date no action has been taken by the Investigating Officer to apprehend the person especially when the Investigating Officer admits in the Court that the person is arrested in another case and is already in custody in District Jail, Hisar. He has not even made any efforts to arrest him in this case.



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6. *The perusal of police record would reveal that recovery of the parts of the car already been effected on 03.11.2023 from accused Raman Kumar.*

7. *In these circumstances, without commenting on the merits of the case, 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.*

8. *List on 17.09.2024.*

9. *Investigating Officer to remain present along with record on the next date of hearing.'*

4. Learned State counsel on instructions received from ASI Gopal Singh, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. 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 03.09.2024 passed by this Court, interim bail granted vide order dated 03.09.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS). Further the petitioner is directed to join investigation as and when required in

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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.

6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.09.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |