



CRM-M-38111-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM-M-38111-2024
Date of Decision : 23.09.2024

Soni Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rehat Bir Singh Mann, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Rajesh Kumar Girdhar, Advocate
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 07.08.2024, co-ordinate Bench of this Court, had passed the hereinafter extracted order, upon the instant petition:-

“The prayer in the petition under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.69 dated 05.10.2023 under Sections 326, 325, 324, 323, 427, 34 (Sections 326, 325 IPC added later on) registered at P.S. Bariwala, District Sri Muktsar Sahib.

The Counsel for the petitioner contends that it is a case of version and cross version wherein the petitioner Soni Singh himself has received injuries. He however contends that the injury attributed to the petitioner is attracting Section 325 IPC whereas injury attracting Section 326 IPC has been attributed to Satta Singh.

Notice of motion for 23.09.2024.



On the asking of the Bench, Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab accepts notice on behalf of the State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 482 BNNS, 2023:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file reply to the petition on or before the next date of hearing.”

2. Mr. Rajesh Kumar Girdhar, Advocate, has caused appearance on behalf of the complainant, through validly executed *vakalatnama*, in his favour, today in the Court. The same is taken on record. He submits that the complainant is 72 years old, and has therefore, opposed the grant of bail to the petitioner, on the ground that there is no reason to release the petitioner on anticipatory bail.

3. Today, the learned State counsel on instructions imparted to him by ASI Jasvir Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined the investigation and has fully



cooperated. He further submits that petitioner is no longer required for further custodial interrogation.

4. Learned State counsel has also placed on record reply dated 21.09.2024, by way of affidavit of Mr. Satnam Singh, PPS, Deputy Superintendent of Police, Sub-Division Sri Muktsar Sahib, on behalf of the respondent-State of Punjab, today in the Court. The same is taken on record.

5. In view of the specific statement suffered by learned State counsel, the hereinabove extracted interim order dated 07.08.2024, 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.”

6. 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.

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

(KULDEEP TIWARI)
JUDGE

September 23, 2024
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No