



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

225

CRM-M-38253 of 2024

DATE OF DECISION :- 05.09.2024

Harry @ Hamen Thind (minor)

...Petitioner

Versus

State of Punjab

...Respondent

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

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 132 dated 27.05.2024, registered for offences under Sections 425,354,324,34,120-B of the IPC (Section 452,326,307 IPC added later on and offence under Section 425 deleted), at Police Station Model Town, Hoshiarpur.

2. On 07.08.2024, the following order was passed:-

“Apprehending his arrest in FIR No.132 dated 27.05.2024 registered for offences punishable under Sections 425, 354, 324, 34 and 120-B of IPC (Sections 452, 326 and 307 of IPC added and Section 425 of IPC deleted later on) at Police Station Model Town, Hoshiarpur; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.



Inter alia contends that the anticipatory bail petition filed by the petitioner (herein) was wrongly declined by the Sessions Court as being not maintainable in view of judgment dated 29.05.2024 passed by Division Bench of this Court in CRM-M-17856-2020 titled as 'Jatin Vs. State of Punjab', the role attributed to the petitioner is of giving a kirpan blow to the complainant on the left palm which has been found to be simple in nature & 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 the respondent-State.

Adjourned to 05.09.2024.

The petitioner is directed to appear before the Investigating Officer on 13.08.2024 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.

3. Learned State counsel, on instructions from ASI Balbir Singh, has stated that pursuant to the order dated 07.08.2024, 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 07.08.2024 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.



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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

05.09.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No