

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-39915-2024 (O&M)
Date of Decision: 20.09.2024

LOVEPREET SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. The instant petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as BNSS) for grant of anticipatory bail to the petitioner in FIR No.60 dated 07.07.2024 registered under Sections 115(2), 118(1), 74, 324(4), 3(5) and 238 of the BNSS at Police Station Rajasansi, Amritsar.

2. On 20.08.2024, following order was passed:

“The instant petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as BNSS) for grant of anticipatory bail to the petitioner in FIR No.60 dated 07.07.2024 registered under Sections 115(2), 118(1), 74, 324(4), 3(5) and 238 of the BNS at Police Station Rajasansi, Amritsar.

Learned counsel for the petitioner inter alia contends that there is no allegation against the petitioner with regard to outraging the modesty of the sister-in-law of the complainant and he has been accused of giving three dang blows on her left thigh only and all these injuries are simple in nature. It is further contended that the maximum punishment provided for the offence alleged to have been committed in the FIR (supra) is upto 5 years and no notice under Section 35 of



*the BNSS was served upon the petitioner. As such, in view of the ratio of law culled out in the judgment rendered by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51**, petitioner is entitled for bail.*

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent State and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, petitioner is directed to appear before the Investigating Officer on or before 27.08.2024 and on his doing so or in the event of arrest, petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 482 of BNSS.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 20.09.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from ASI Bhupinder Singh, submits that in compliance of order dated 20.08.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 20.08.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly disposed of.

20.09.2024		(HARPREET SINGH BRAR)
Ajay Goswami		JUDGE
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No