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

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**CRM-M-39850 of 2024
DATE OF DECISION :- 02.09.2024**

Gagan Kumar @ Manga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. G.S. Bhinder, Advocate for
Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in FIR No. 159 dated 18.08.2021, registered for offences under Sections 363,366 of the IPC, at Police Station Shahpurkandi, District Pathankot.

2. On 14.08.2024, the following order was passed:-

“At the outset learned counsel for the petitioner has submitted that inadvertently the instant petition has been filed under Section 528 of BNSS instead of 482 of BNSS. The same may be treated under Section 482 of BNSS.

Apprehending his arrest in FIR No.159 dated 18.8.2021, registered for offences punishable under Sections 363, 366 of IPC, at Police Station Shahpurkandi, District Pathankot the petitioner has preferred this petition under Section 482 of BNSS, 2023, seeking pre- arrest bail.



Inter alia contends that the petitioner is falsely implicated as he has friendly relation with the victim, which is not to the liking of the family of the victim. No recovery is to made from the petitioner According to learned counsel, the petitioner is willing to join the investigation and cooperate therein.

Notice of motion.

At the asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab, accepts notice on behalf of the respondent/State of Punjab.

The petitioner is directed to appear before the Investigating Officer on 17.8.2024 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 the BNSS.

Put up on 2.9.2024.”

3. Learned State counsel, on instructions from SI Kuldeep Raj has stated that pursuant to the order dated 14.08.2024, 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 14.08.2024, passed by this Court is made absolute, subject to the conditions as enumerated under 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.

(SUMEET GOEL)
JUDGE

P.Singh

Yes/No

Yes/No