



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222-2

CRM-M-41081-2024

Date of decision: 23.09.2024

PRIYANSH JAIN

....PETITIONER

V/s

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rajesh Garg, Sr. Advocate with
Mr. Jagdeep Singh Waraich, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J.

1. Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case bearing FIR No. 65 dated 26.07.2024, registered for the offences punishable under Section 69 of BNSS, 2023 at Police Station Dhakoli, Zirakpur, Mohali, Punjab.

2. On 23.08.2024, the following order was passed:-

“Learned senior counsel for the petitioner has submitted that, on account of inadvertence, the complainant could not be arrayed as a party- respondent in the main petition. An oral request has been made by learned senior counsel in this regard. Keeping in view the totality of facts and circumstances of the case, complainant, namely, Shivani w/o Hitesh Ahuja, r/o Flat No.53-A, Ismita Homes Dhakoli, P.S. Dhakoli, District SAS Nagar, is hereby impleaded as party-respondent No.2. Registry is directed to carry out the requisite correction in the memo of parties.

Apprehending his arrest in FIRNo.65 dated 26.07.2024 registered for offences punishable under Section 69 of BNS, 2023 at Police Station Dhakoli, Zirakpur, Mohali, Punjab; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Learned senior counsel, inter alia contends that there was consensual relationship between the petitioner and the complainant/victim which turned sour later on and the same has resulted into registration of the instant FIR; complainant is a



married lady having children and the petitioner is also a married man; no recovery is to be effected from the petitioner & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Yuvraj Singh Tiwana, Asstt. A.G., Punjab, appears and accepts notice on behalf of the respondent-tate. The concerned SHO, through the learned State counsel, is directed to inform respondent No.2 about the pendency of the present petition as also next date of hearing fixed in the present petition. The concerned SHO shall also file a compliance report in this regard on or before the next date of hearing.

Adjourned to 23.09.2024

The petitioner is directed to appear before the Investigating Officer on 29.08.2024 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 Mewa Singh, has stated that pursuant to the order dated 23.08.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition is allowed and interim order dated 23.08.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482 of BNSS.

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 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.
8. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 23, 2024
jatin

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