



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

CRM-M-40460-2024

Date of Decision : 30.09.2024

SATPAL AND ANOTHER

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. M.K.Singla, Advocate with
Mr. Parminder Singla, Advocate,
for petitioner no.2.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 17.08.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioners seek the concession of anticipatory bail, in case FIR No.80 dated 18.07.2024, under Sections 118, 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at P.S. Moonak, District Sangrur.
2. In deference to the directions issued by this Court on 06.09.2024, today the learned State counsel has filed the affidavit of Parminder Singh, PPS, Deputy Superintendent of Police, Sub Division Moonak, which is taken on record.
3. After perusing the affidavit (supra), the learned counsel for the petitioners fairly submits that, since the injury No.1, which is attributed to the petitioner No.1, has been declared “grievous in nature” by the Board constituted by S.M.O., Incharge, Civil Hospital, Sangrur, therefore, he does not want to press the instant petition qua petitioner No.1.
4. Consequently, the instant petition is dismissed as withdrawn qua petitioner No.1.
5. Insofar as the petitioner No.2 is concerned, the learned counsel representing her submits that, since the injury(ies) attributed to her have been declared “simple in nature”, therefore, she deserves the concession of anticipatory bail.
6. The request for grant of anticipatory bail to the petitioner No.2 has been opposed by the learned counsel for the complainant.
7. List on 30.09.2024.
8. In the meantime, the petitioner No.2 (now sole petitioner) is directed to join the investigation and to appear before the investigating agency,

as and when called upon to do so. In the event of her arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S.”

2. Today, the learned State counsel has, on instructions imparted to him by ASI Malkiat Singh, stated that instant petition qua petitioner no.1 has already been dismissed, and so far as petitioner no.2 is concerned, pursuant to the making of the hereinabove extracted order, he has already joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 17.08.2024, is hereby made **absolute qua petitioner no.2**, 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.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

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

6. At this stage, learned counsel for the petitioner no.2 pointed out that in paragraph no.5 and 8 of the hereinabove extracted order, petitioner no.2 though is a male, has been referred as 'she' and 'her',

instead of 'he' and 'him/his', and requested that the said error may be corrected.

7. Asked for request is accepted.
8. The petitioner no.2, in paragraph no.5 and 8 of the hereinabove extracted order, shall be referred as 'he' instead of 'she' and 'him/his' instead of 'her'.
9. All pending application(s), if any, also stand **disposed** of accordingly.

September 30, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No