



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.40680 of 2024
Date of decision: 26.09.2024

HARSHARAN SINGH ALIAS DARA

.... Petitioner

Versus**STATE OF PUNJAB**

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr.Sarbjit Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.43 dated 28.05.2024 registered under Sections 452, 325, 323, 148, 149 and 201 of IPC (Section 201 of IPC added later on vide DDR No.9 dated 27.07.2024) at Police Station Mehta, District Amritsar.

2. Vide order dated 21.08.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 21.08.2024, passed by this Court, reads as under :

“The instant petition has been filed by the petitioner seeking grant of pre arrest bail in case arising out of FIR No.43 dated 28.05.2024 registered under Sections 452, 325, 323, 148, 149 and 201 of IPC (Section 201 of IPC added later on vide DDR No.9 dated 27.07.2024) at Police Station Mehta, District Amritsar



on the basis of statement recorded by the complainant- Lovejit Singh on 15.05.2024, alleging therein that on 04.05.2024, the present petitioner along with co-accused Bittu and some unknown persons had entered into his house and had opened an attack upon him. Co-accused Bittu and unknown persons were armed with fire arms. They took away an amount of ₹25,000/- from his pocket. The co-accused and unknown persons had also assaulted him by their respective weapons. They also mentioned that the cause of grudge was the fact that he had to cast his vote in favour of BJP and feeling offended with the same, they caused injuries. After this complaint, initially a DDR was registered an FIR was registered on 28.05.2024, on receipt of medical report of the complainant. The investigation is underway. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail which has been dismissed by learned Sessions Judge, Amritsar vide order dated 09.08.2024.

It is argued by learned counsel for the petitioner that formally the FIR was lodged in this case after a gap of 24 days and even the DDR was lodged after a gap of 11 days in the matter. He has been falsely implicated in this case. All the offences except offence under Section 452 of IPC are bailable in nature and this offence was also added after a gap of 37 days. He is ready to join the investigation. His custodial interrogation is not required and that no recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed.



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Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 26.09.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Status report dated 25.09.2024 filed on behalf of the respondent-State is taken on record. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 30.08.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 23.08.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

26.09.2024

Jyoti-IV

**(MANISHA BATRA)
JUDGE**

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