



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CRM-M-41357-2024
Date of Decision : **October 28, 2024**

Simerjit Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. P.S.Hundal, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On 27.8.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 of BNSS, 2023, the petitioner has sought the concession of his being enlarged on anticipatory bail, in complaint dated 04.07.2024, under Sections 2/9/39/44/48-A/49/49-A/49-B/50 and 51 of the Wildlife (Protection) Act, 1972.

2. In asking for the relief (supra) learned counsel for the petitioner submits that though the petitioner is alleged to be the owner of the shop, from where the articles were seized, however, the petitioner was not arrested from the spot. Learned counsel for the petitioner further submits that the recovery has already been effected, and whether, the offence as alleged in the

instant complaint is made out or not, is a moot question, which requires to be established by the prosecution, by leading cogent evidence.

3. *Notice of motion.*

4. *Mr. Pardeep Bajaj, DAG, Punjab, waives service of notice on behalf of the respondent-State.*

5. *List on 01.10.2024.*

6. *In the meantime, the 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 his arrest, he shall be admitted to interim bail on his furnishing bail bond to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) BNSS.”*

2. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 27.8.2024, is hereby made **absolute**, 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.

October 28, 2024
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(KULDEEP TIWARI)
JUDGE

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