



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

**223**

**\*\*\*\*\***

**CRM-M No.43174 of 2024  
Date of decision : 23.9.2024**

**Sham Lal and another** .....**Petitioners**

**Versus**

**State of Punjab** .....**Respondent**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Nippun Sharma, Advocate, for the petitioners

Mr. Anup Singh, AAG, Punjab

Mr. J.S. Ghuman, Advocate, for the complainant

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail to the petitioners in case FIR No.82 dated 30.7.2024, under Sections 115(2), 74 and 190 of the Bharatiya Nyaya Sanhita, registered at Police Station Division No.3, Jalandhar.

2. On 2.9.2024, the following order was passed:

*'Apprehending their arrest in FIR No. 82 dated 30.07.2024 registered for offences punishable under Sections 115(2), 74 and 190 of BNS, 2023 at Police Station Division No. 3, Jalandhar; the petitioners have preferred this petition under 482 of BNSS seeking pre-arrest bail.*

*Inter alia contends that the genesis of the dispute in question is the throwing of garbage in the locality; the petitioners and the complainant are living in the same neighbourhood; earlier an effort was also made to settle the battle but the same could not fructify and thereafter the FIR was*



*registered & the petitioners are willing to join investigation and cooperate therein.*

*Notice of motion.*

*On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.*

*Adjourned to 23.09.2024.*

*The petitioners are directed to appear before the Investigating Officer on 06.09.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 482(2) of BNSS, 2023.*

*To be heard along with CRM-M-40912 of 2024.'*

3. Learned State counsel (on instructions from ASI Hira Singh) submits that pursuant to the order dated 2.9.2024, the petitioners have joined investigation and are no longer required for custodial interrogation. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail on the ground that the allegations levelled against the petitioners are serious in nature. Learned counsel appearing for the complainant has further submitted that after the grant of interim bail, the petitioners are threatening the complainant. However, when the Court asked the complainant to put forward any specific material in this regard, nothing is forthcoming.

4. Keeping in view the entirety of the facts and circumstances of the case, especially the State is not requiring the custodial interrogation of the petitioners, the interim order dated 2.9.2024, passed by this Court is made absolute, subject to the conditions as enumerated under Section



482(2) of BNSS and accordingly the petition is allowed.

5. This order should not be treated as “blanket” order. It will not be read granting petitioners 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 petitioners violates any condition stipulated under Section 482(2) 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.

(SUMEET GOEL)  
JUDGE

23.9.2024  
*Ashwani*

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