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

205 **CRM-M-45811 of 2024**
DATE OF DECISION :- 28.10.2024

Gursewak Singh @ Sewak Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amitoj Singh Dhaliwal, Advocate for the petitioner.
Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 0129 dated 21.08.2024 registered for offence punishable under Section 108 of BNS, 2023 at Police Station Sadar Jagraon, District Ludhiana Rural, Punjab.

2. On 16.09.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 0129 dated 21.08.2024 registered for offence punishable under Section 108 of BNS, 2023 at Police Station Sadar Jagraon, District Ludhiana Rural, Punjab; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that from the allegations in the FIR the offence of Section 108 of BNS, 2023 is not made out; no recovery is to be effected from the petitioner & the petitioner is willing to join investigation and cooperate therein. In order to buttress his



arguments, learned counsel for the petitioner has relied upon the judgment by the Hon'ble Supreme Court rendered in 'Mohit Singhal & Anr. Versus The State of Uttarakhand & Ors.' Criminal Appeal No. 3578 of 2023.

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 28.10.2024.

The petitioner is directed to appear before the Investigating Officer on 20.09.2024 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 BNSS, 2023."

3. Learned State counsel, on instructions from ASI Dharminder Singh, has stated that pursuant to the order dated 16.09.2024 the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition stands allowed and the interim order dated 16.09.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

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(2) of BNSS, 2023 or upon showing any other sufficient cause.



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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

28.10.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No