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

CRM-M-46286-2024

Date of Decision : 24.10.2024

VINOD KUMAR

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rahi Mehra, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 18.09.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is made for grant of anticipatory bail to the petitioner in case FIR No.148 dated 11.8.2024, under Sections 109 and 3(5) of BNS, registered at Police Station Gate Hakima, District Amritsar.

Learned counsel for the petitioner submits that the petitioner is not the person, who had thrown the complaint from the first floor, which resulted in suffering of injuries by the complainant. He further submits that the petitioner was only present at the spot when the occurrence took place, and even from the perusal of the FIR, there is no over-tact whatsoever is attributed to the present petitioner.

Notice of motion for 24.10.2024.

On the asking of the Court, Mr. Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of the respondent-State.

At this stage, Mr. Veneet Sharma, Advocate has caused appearance on behalf of the complainant and has vociferously opposed the grant of anticipatory bail to the petitioner. He submits that the ingredients of Section 3(5) of BNS 2023, is very much there that the petitioner came to the place of the complainant, which reflects the common intention of the petitioner with the main accused.

Be that as it may, considering the role of the present petitioner, this Court deems it appropriate to direct the petitioner to join the investigation and in the event of arrest, the petitioner shall be released

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on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 482(2) of the BNS.”

2. Today, the learned State counsel has filed a short reply, dated 23.10.2024, by way of an affidavit of Sh.Jaspal Singh, ACP (Central), Amritsar City, which is ordered to be taken on record.

3. He submits, on instructions imparted to him by ASI Harjit Singh, that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 18.09.2024, 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.”

5. 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.

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

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7. All pending application(s), if any, also stand **disposed** of accordingly.

October 24, 2024

dharamvir

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No