

Date of decision: 23.10.2024

DHIR SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

DALJIT SINGH ALIAS BABLU

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Dolli Sharma, Advocate
for the petitioners in both cases.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This common order of mine shall dispose of both the above mentioned petitions as both of them are arising out of the same FIR. For the sake of brevity, facts are borrowed from **CRM-M-46697-2024** titled as ***‘Dhir Singh vs. State of Punjab.***

2. The instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.60 dated 07.07.2024 under Sections 115(2), 118(1), 74, 324(4), 3(5), 238 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Raja Sansi, District Amritsar.

3. On 19.09.2024, following order was passed:



CRM-M-46697-2024
01 connected case

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“The instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR No.60 dated 07.07.2024 under Sections 115(2), 118(1), 74, 324(4), 3(5), 238 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Raja Sansi, District Amritsar.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case and there is a delay of three days in registration of FIR (supra), which clearly indicates that it was registered after due deliberation and consultation. The jurisdictional police authorities have not registered any case against the complainant party, who had inflicted four injuries on the person of son of the petitioner. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 05 years. Even no notice under Section 35 of BNSS was served upon the petitioner.

Notice of motion for 23.10.2024.

Keeping in view the ratio of law enunciated by the Hon’ble Supreme Court in Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.



Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”

4. Learned State counsel, on instructions from ASI Bhupinder Singh, submits that in compliance of orders dated 19.09.2024 and 03.10.2024 passed by this Court, the petitioners, in both the cases, have joined the investigation and are not required for further custodial interrogation.
5. Keeping in view the statement made by learned State Counsel, the orders dated 19.09.2024 and 03.10.2024 are made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 482 (2) B.N.S.S.
6. Both the petitions are accordingly disposed of.
7. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

October 23, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No