



CRM-M-46649-2024 (O&M)

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

**CRM-M-46649-2024 (O&M)
Date of decision:28.10.2024**

Satgur Singh @ Balbir Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

**Present:- Mr. Gaurav Goyal, Advocate,
for the petitioner.**

Mr. Adesh Pal Singh, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

CRM-40226-2024

Instant application under Section 528 Cr.PC has been preferred seeking amendment/correction in the head note and prayer clause for addition of Section 238 of the BNS added later on in case FIR in question.

2. Heard.

3. Keeping in view the averments made in the application and in the interest of justice, application is allowed and Section 238 of the BNS is ordered to be incorporated in the head note and prayer clause of the min petition, i.e. CRM-M-46649-2024.

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4. Amended head note amended with the application is ordered to be taken on record.
5. Registry to do the needful.
6. Disposed of.

Main petition

By way of present petition filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seek anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
132	14.08.2024	333, 115(2), 351(2), 191(3), 190, 304 and {238 added later on} of the BNS	Lehra, District Sangrur, Punjab

2. Learned counsel for the petitioner submits that in compliance to the order dated 26.09.2024, the petitioner has joined the investigation.
3. During the course of hearing on 26.09.2024, following order has been passed: -

‘2. Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case on account of party friction in the village. In fact, the dispute inter se was pertaining to use of organic pit regarding which even the Gram Panchayat has passed the resolution (Annexure P-2). He contends that no specific overt act is attributed to the petitioner and is ready to join the investigation.

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3. *Notice of motion.*

4. *On the asking of the Court, Mr. Adesh Pal Singh, AAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and on instructions from ASI Rameshwar Das, submits that the offence under Section 238 of BNS, 2023, has also been added in the FIR. He prays for time to file the status report/reply in the matter.*

5. *Adjourned to 28.10.2024.*

6. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

7. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482 (2) of BNSS, 2023.*

8. *Learned counsel for the petitioner seeks permission for adding offence under Section 238 of BNS, 2023 in the petition. Needful be done on or before the next date of hearing’.*

4. Learned State counsel on instructions received from ASI Rameshwar Dass, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 26.09.2024 passed by this

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2024:PHHC:141738



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Court, interim bail granted vide order dated 26.09.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS). Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

28.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |