



CRM-M-46940-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

215-1

CRM-M-46940-2024

Date of Decision : November 04, 2024

BHUPINDER KUMAR

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kunwar Rajan, Advocate  
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

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**KULDEEP TIWARI, J. (ORAL)**

1. On 19.09.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

*“Through the instant petition, prayer is made for pre-arrest bail in case FIR No. 03 dated 3.1.2023, under Sections 364-A, 370, 386, 120-B IPC, registered at Police Station Balongi, SAS Nagar, Mohali.*

*The petitioner has been summoned vide order dated 16.8.2024, by the learned Additional Sessions Judge, SAS Nagar, Mohali, under Section 319 Cr.P.C., to face trial as an accused in the FIR (supra). This caused apprehension of arrest in the mind of the petitioner, and propelled him to approach, the learned trial court concerned for seeking pre-arrest bail. The application, as preferred by the petitioner was dismissed vide order dated 11.9.2024, Annexure P/6, which propelled the present petitioner to file the instant petition.*

*In asking for the relief of pre-arrest bail, learned counsel for the petitioner, submits that earlier, a detailed inquiry was conducted, and the petitioner was exonerated from the charges, by the Investigating Agency, and now only on the basis of statement of*



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*PW1, the application filed under Section 319 Cr.P.C. was allowed, which is totally against the settled principles as laid down by the Constitution Bench of this Court in **Hardeep Singh vs State of Punjab and others, (2014) 3 SCC 92.***

*Notice of motion.*

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

*In the meanwhile, the learned trial court concerned is directed to release the petitioner on interim bail on his furnishing bail bonds and surety bonds to its satisfaction, in case, he surrenders before it, within 10 days from today.*

*Adjourned to 3.10.2024.*

*To be heard with CRM-M-36697-2024.”*

2. Today, the learned counsel for the petitioner has placed on record the certified copy of the order dated 24.09.2024, as passed by the learned Additional Sessions Judge, S.A.S. Nagar. A perusal of the order dated 24.09.2024 reveals that, the directions embodied in the hereinabove reproduced order have been complied with by the petitioner, through his making surrender before the learned Additional Sessions Judge concerned and furnishing the requisite bail/surety bonds, whereupon, he has been admitted on interim bail.

3. In view of the above, the hereinabove reproduced interim order dated 19.09.2024 is hereby made **absolute**, subject to the hereinafter extracted conditions:-

*“(i) the petitioner shall not commit an offence similar to the present offence;*

*(ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;*

*(iii) the petitioner shall make himself available for interrogation by a police officer as and when required.”*



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4. 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.
5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

November 04, 2024  
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(KULDEEP TIWARI)  
JUDGE

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