



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206 CRM-M-47247-2024 (O&M)
Date of Decision: 18.11.2024

ANU ...Petitioner
VERSUS
STATE OF PUNJAB ...Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Prateek Pandit, Advocate for the petitioner.
Mr. Rubal Pawar, AAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
63	07.08.2022	P.S. Begowal District Kapurthala	323, 324, 325, 326, 148 & 149 of IPC (offences under Section 325, 326 IPC added later on)

2. Vide order dated 20.09.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 20.09.2024 is reproduced as under:-

“The instant petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita (for short-BNSS), 2023 seeking pre arrest bail in case arising out of FIR No.63 dated 07.08.2022 registered under Sections 323, 324, 325, 326, 148 and 149 of IPC (Offence under Sections 325 and



326 of IPC added later on) at Police Station Begowal, District Kapurthala.

Brief facts of the case are that the aforementioned FIR was registered on the basis of statement recorded by the complainant-Rajvir Singh alleging therein that on 04.08.2022, he was going back to his home after filling fuel in his motorcycle and when he reached outside a barber shop, he was intercepted by the petitioner and co-accused namely, Raja, Rahul, Jyoti, Vishal @ Bamb and Inderjit Singh. All of them were armed with weapons. Accused Raja made an exhortation and thereafter, all of them opened an attack on him and caused injuries along with the weapons which they were carrying in their hands. The petitioner hit the calf of his left leg by striking a blow with baseball bat which he was carrying in his hand. On rescue alarm being raised by his friend-Lakhwinder Singh who was present at the spot and himself, the petitioner and co-accused fled away. After registration of the FIR, investigation proceedings have been initiated and are underway.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of 3 days in reporting the matter to the Police. The injuries which have been attributed to him are on the nonvital part. Co-accused Vishal @ Bamb and Bhupinder Singh @ Inderjit Singh have been granted concession of anticipatory bail by this Court. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him.

*Notice of motion.
Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.*

Adjourned to 18.11.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required



thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.”

3. Learned State counsel has filed status report dated 17.11.2024. The same is taken on record. He further, on instructions states that the petitioner has joined the investigation on 26.09.2024. It is further submitted that recovery of weapon used by the petitioner at the time of occurrence could not be effected. Since non-recovery of incriminating articles cannot be considered to be a ground to deny the benefit of bail to the accused, therefore, in view of that reason but without meaning to make any comment on the merits of the case, the present petition is allowed and the order dated 20.09.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023.

18.11.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |