



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-47465-2024 (O&M)
Date of decision: 19.11.2024

Rajinder KumarPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. A.P.S. Shergill, Advocate,
for the petitioner.

Ms. Seena Sandhu, Addl. AG, Punjab.

Mr. G.S. Bawa, Advocate, for the complainant.

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SANJIV BERRY, J. (ORAL)

CRM-40534-2024

Keeping in view the averments made in the application documents are taken on record in compliance to the order dated 23.09.2024 passed by this Court subject to all just exceptions.

2. Registry to do the needful.

3. Disposed of.

Main case

By way of present petition filed under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seek anticipatory bail in case FIR (Annexure P-1) as under: -



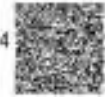
FIR No.	Dated	Sections	Police Station
130	31.08.2024	331(4), 305, 329(3), 329(4) of the BNS	Cantonment Police Commissionerate, District Amritsar

2. Learned counsel for the petitioner submits that in compliance to the order dated 23.09.2024, the petitioner has joined the investigation and further planted 15 trees in Amrit Anand Park @ Rose Garden, Ranjit Avenue, E Block, Amritsar, as per the certificate issued by the Welfare Association concerned in compliance to the aforesaid order. He has also referred to photographs for the said plantation annexed with the application (*supra*).

3. During the course of hearing on 23.09.2024, following order has been passed: -

‘The petitioner, who is aged about 56 years, apprehends his arrest for the offences punishable under Sections 331(4), 305, 329(3), 329(4) of Bharatiya Nyaya Sanhita, 2023, in FIR No. 130, dated 31.08.2024 registered at Police Station Cantonment, Amritsar, arising out of the incident of theft in a dwelling house which took place sometime between 18.08.2024 to 19.08.2024.

2. It is submitted that the FIR was lodged with considerable unexplained delay on 31.08.2024. It is further contended that the petitioner has been falsely implicated arising out of a rivalry arising out of between the landlady and the tenant. It is submitted that the petitioner is only the attesting witness to the tenancy agreement (Annexure P-4).



3. *The prosecution and the victim have explained the delay by submitting that the husband of the complainant had died on 18.08.2024 on the date of incident and therefore, report was lodged with the police with some delay after completing the last rites.*

4. *Considering the aforesaid situation and the fact that possibility of the incident arising out of animosity between the landlord and the tenant coupled with the fact of the petitioner having no criminal antecedents, this Court extends the benefit of interim anticipatory bail to the petitioner subject to his furnishing personal bonds for a sum of Rs.1,00,000/- with two sureties of the like amount each to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provide under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.*

5. *This order shall also remain subject to the following condition:-*

i) The petitioner shall plant 10 saplings of indigenous plants at a public place and submit proof in that regard by way of photographs before the Registry before the next date of hearing, failing which the Registry is directed to place the matter before appropriate Bench where the Bench may consider recall of the order.

6. *List on 15.10.2024.'*

4. Learned State counsel, on instructions received from ASI Hardeep Singh, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for



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any custodial interrogation. She has also not disputed the factum of petitioner doing the aforesaid plantation in compliance to the order dated 23.09.2024.

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 23.09.2024 passed by this Court, interim bail granted vide order dated 23.09.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bharatiya 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

19.11.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |