



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M No.47517 of 2024
Date of decision : 18.11.2024

Abhishek Sharma @ Shanky and anotherPetitioners
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Prikshit Thakur, Advocate, for
Mr. Rahul Bhargava, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita of 2023 in case FIR No.209 dated 12.9.2024,
under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956
registered at Police Station Sadar Amritsar, District Police
Commissionerate, Amritsar.
2. On 23.9.2024, the following order was passed:-

*‘Apprehending their arrest in FIR No.209 dated 12.09.2024 registered for
offences punishable under Sections 3, 4 and 5 of Immoral Traffic Act, at
Police Station Sadar Amritsar, District Police Commissionerate; the
petitioners have preferred this petition under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.
Inter alia contends that the petitioners are sought to be implicated in the
FIR in question on the basis of a disclosure statement made by one
Jatinder Pal Singh @ Raghav; no recovery is to be effected from the
petitioners & the petitioners are willing to join investigation and*



cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 18.11.2024.

The petitioners are directed to appear before the Investigating Officer on 28.10.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to b furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.'

3. Learned State counsel (on instructions from SI Jatinder Singh) submits that pursuant to the order dated 23.9.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. I have heard learned counsel for the parties and have perused the available record.

5. Keeping in view the entirety of the facts and circumstances of the case, especially the factum that the petitioner has joined the investigation and not required for custodial interrogation; the interim order dated 23.9.2024, passed by this Court is made absolute, subject to the conditions as enumerated under Section 482 (2) of BNSS.

6. 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.

7. Liberty is reserved in favour of State/complainant to move for

2024:PHHC:149977



CRM-M No.47517 of 2024

-3-

cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482 (2) of BNSS, or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

18.11.2024
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No