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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-47922-2024 (O&M)
Date of decision: 25.11.2024

Jadgebeer Singh @ Jaibir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Anmol Singh Hayer, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

Mr. Gursimranjit Singh, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition, which has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS, 2023'*) seeking grant of anticipatory bail in case FIR No. 16, dated 18.02.2023, under Section 406 of IPC (Section 420 of IPC added later on) at Police Station Bahav Wala, District Fazilka.
2. Vide order dated 25.09.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 25.09.2024, passed by this Court, reads as under:

“...Vide order dated 22.08.2024 passed in CRM-M-15961-2023, the petitioner had been extended benefit of anticipatory bail in this very case, however, now offence under Section 420 of IPC has also been added and

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apprehending his arrest, the petitioner has approached this Court.

It is argued by learned counsel for the petitioner that he joined the investigation previously when he had been booked for the commission of offence punishable under Section 406 of IPC. The offence under Section 420 of IPC has been added later on without any new fact having brought on record. Both these offences are antithesis to each other and cannot be invoked simultaneously. The custodial interrogation of the petitioner is not required. No recovery is to be effected from him. He is ready to join the investigation. Therefore, it is urged that the petition may be allowed.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, submits that offence under Section 420 of IPC has been added later on and custodial interrogation of the petitioner is required for proper investigation in the matter. She seeks time to file status report in the matter.

Adjourned to 21.11.2024.

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 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Learned counsel for the petitioner, in addition to the arguments already advanced by him, has submitted that the complainant is the son of a

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senior police officer and he is harassing the petitioner by using his influence. The offence under Section 420 of IPC has been added by the police without there being any new fact coming on record. In compliance of order dated 25.11.2024, the petitioner has already joined investigation and he is not required for custodial investigation. It is, thus, urged that the petition deserves to be allowed and the interim bail granted to the petitioner, vide order dated 25.11.2024, deserves to be made absolute.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has already joined investigation and he is not required for custodial interrogation. However, learned counsel for the complainant has opposed the prayer of the petitioner by arguing that his custodial interrogation is required but he could not point out any change in the facts of the case, which warranted addition of offence under Section 420 of IPC and that the said fact was earlier not known to the police.

5. Keeping in view the above mentioned facts and circumstances but without commenting on the merits of the case, the present petition is allowed and the order dated 25.09.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of BNSS, 2023.

25.11.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No