

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

101

**CRM-M No.48545 of 2024
Date of decision: 22.11.2024**

SONU**.... Petitioner****Versus****STATE OF PUNJAB****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Ms Gagandeep Kaur, Advocate for the petitioner
(Through Video Conference).

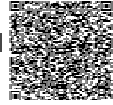
Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case 112 dated 24.08.2024 registered under Sections 115 (2), 126 (2), 324 (4), 324 (5), 332 (c), 351 (1) and 351 (3) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") (Section 333 of BNS added later on) at Police Station Kotwali Nabha, District Patiala.

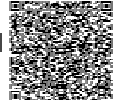
2. Vide order dated 26.09.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 26.09.2024, passed by this Court, reads as under:

"The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in case arising out of FIR No.112 dated 24.08.2024 registered under Sections 115 (2), 126 (2), 324 (4), 324 (5), 332 (c), 351 (1) and 351 (3) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") (Section 333



of BNS added later on) at Police Station Kotwali Nabha, District Patiala.

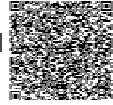
As per the prosecution case, as on 21.08.2024 on receipt of an information regarding sustaining of injuries by one Munish Kumar along with his medico legal report, a police party had rushed at Civil Hospital, Nabha and after obtaining opinion of the doctor as to the evidence of the complainant-injured Munish Kumar, recorded his statement to the effect that he was running a grocery shop. On 20.08.2024, the petitioner came to his shop and while extending threats to see him, he had left. On the same evening, he again came to his shop accompanied by two unknown youths. All of them started hurling abuses to him. The complainant called his brother Keval Kumar who reached at the spot and tried to prevail good sense upon the petitioner and his companion but both of them started assaulting Keval Kumar. Thereafter, by entering inside his shop, they started damaging the goods lying therein. The petitioner picked up the steel utensils lying in the shop and hit his brother and him with the same. They sustained injuries and raised alarm. Thereafter, the assailants fled away. The cause of grudge was that previously a dispute had taken place between the petitioner and Sajan Kumar brother of the complainant with regard to sand lying outside their house. On the basis of his statement, initially a case under Sections 115 (2), 126 (2), 324 (4), 324 (5), 332 (c), 351 (1) and 351 (3) of BNS had been registered. Investigation proceedings were initiated. Offence



under Section 333 of BNS had also been added. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 18.09.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The offence under Section 333 of BNS has been added ten days after the incident by the complainant by making a supplementary statement only by making manipulations and with an intent to harass the petitioner. There is delay of four days in registration of FIR which has not been explained. The injuries attributed to the petitioner are opined to be simple in nature and are on non-vital part of the body. Infact, it was the complainant party who had opened an attack upon the petitioner and had hurled abuses to him and then involved him in this case. No recovery is to be effected from him. The subject offences are triable by Magistrate. He is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that he deserves to be extended benefit of pre arrest bail.

Learned State counsel who is assisted by learned counsel for the complainant and has advance notice of the petition has submitted that they are ready to argue the matter and have stressed that there are serious allegations against the petitioner. He had caused the huge loss of the goods kept in the shop of the



complainant and had caused injuries to him by criminally trespassing into his shop. No extraordinary circumstance has been made out for extending benefit of bail to him. Therefore, it is urged that the petition does not deserve to be allowed. They also sought time to file reply in the matter.

Adjourned to 22.11.2024.

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 on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 01.10.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 26.09.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

22.11.2024
Jyoti-IV

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