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AT CHANDIGARH

DATE OF DECISION :- 17.12.2024

...Petitioner

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Bhupinder Kaur Bhangu, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in DDR No.36 dated 19.05.2022 registered for offences punishable under Sections 323, 324, 326, 354, 506, 148 and 149 of IPC in FIR No.0060 dated 18.05.2022, under Sections 323, 324, 325, 506, 148 and 149 of IPC (Section 326 IPC added later on) at Police Station Subhanpur, District Kapurthala.

2. On 16.10.2024, the following order was passed:-

“Apprehending his arrest in DDR No.36 dated 19.05.2022 registered for offences punishable under Sections 323, 324, 326, 354, 506,148 and 149 of IPC in FIR No.0060 dated 18.05.2022, under Sections 323,324, 325, 506, 148 and 149 of IPC (Section 326 IPC added later on) at Police Station Subhanpur, District Kapurthala; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Inter alia contends that there is a delay of 57 days in registering the FIR; the case in hand is one of version and cross-version; settlement between the parties (terms whereof have been reduced into writing vide



compromise deed dated 29.07.2024) & the petitioner is 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 21.11.2024.

The petitioner is directed to appear before the Investigating Officer on 21.10.2024 at 11:00 A.M. in concerned Police Station and join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.”

On 28.11.2024, the following order was passed:-

“Vide order dated 16.10.2024, interim anticipatory bail was granted to the petitioner, further, vide order dated 21.11.2024, the petitioner was directed to rejoin investigation. Today, learned counsel for the petitioner has submitted that the petitioner repeatedly went to the police station after passing of the order on 21.11.2024 but concerned police officer did not allow him to join investigation.

Per contra, learned State counsel (on instructions from ASI Kulwinder Singh) has refuted the stand put forth by the petitioner.

The petitioner is now directed to appear before the concerned Illaqa Magistrate on 2.12.2024 at 10:00 a.m. wherein the said Illaqa Magistrate will permit/ensure that the petitioner join investigation in terms of orders dated 16.10.2024 and 21.11.2024 passed by this Court.

The Investigating Officer of the case is also directed to remain present before the concerned Illaqa Magistrate at 10:00 a.m. on 2.12.2024 and in case the Investigating Officer requires to further interrogate the petitioner, he shall make an application to that effect before the concerned Illaqa Magistrate who shall further allow him to join investigation as per interim orders passed by this Court.

Put up on 17.12.2024.



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Interim order to continue.”

3. Learned State counsel has stated that pursuant to the order dated 16.10.2024, the petitioner has joined investigation but was not cooperating for having the recovery of the weapon of offence namely ‘Datar’ recovered. Accordingly, the police has invoked Section 201 of IPC against the petitioner as well. In view of the above, learned State counsel submits that the petitioner is not required for custodial interrogation.
4. In view of above, the present petition stands allowed and the interim order dated 16.10.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.
5. 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.
6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.
7. 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

17.12.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No