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CRM-M-48588-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48588-2024 (O&M)

Date of Decision: 24.10.2024

SAKIL

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ritesh Tomar, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana

Mr. Kunal Jindia, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 277 dated 17.08.2024 registered for offences punishable under Sections 64(1),332(B),351(3) of BNS at Police Station Gadpuri, District Palwal.

2. On 26.09.2024, the following order was passed:-

“The instant petition has been filed on 25.09.2024 under Section Section 482 Cr.P.C.

As per the judgment rendered by this Court titled ‘Abhishek Jain Versus State of U.T. Chandigarh and another’ (CRM-M-31808 of 2024) 2024PHHC085784, the instant petition is not maintainable under Section Section 482 Cr.P.C. However, keeping in view the entirety of facts and circumstances of the case, the instant petition is directed to be considered as a petition under Section 482 of BNSS, 2023.

Apprehending his arrest in FIR No. 277 dated 17.08.2024 registered for offences punishable under Sections 64(1),332(B),351(3) of BNS at Police Station Gadpuri, District Palwal; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that the petitioner has been falsely implicated into the FIR in question as there is a property dispute

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between the petitioner and the complainant side & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana appears and accepts notice on behalf of the respondent-State.

Adjourned to 24.10.2024.

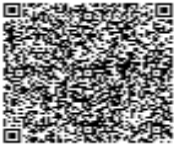
The petitioner is directed to appear before the Investigating Officer on 01.10.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting 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 BNSS, 2023.”

3. Learned State counsel, on instructions from ASI Kavita, has stated that pursuant to the order dated 26.09.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of pre arrest bail.

5. Keeping in view the entirety of facts and circumstances of the case, especially the factum of the petitioner having joined investigation and his custodial interrogation being not sought for by the State; the petition is allowed and interim order dated 26.09.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) BNSS, 2023.

6. This order should not be treated as “blanket” order. It will not be interpreted as 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.



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7. 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) BNSS, 2023 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.
9. Pending applications, if any, shall also stand disposed off.

24.10.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No