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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-49201-2024 (O&M)  
Date of decision: 04.11.2024

Lakhwinder Singh @ Noni

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vinay Kumar Begra, Advocate  
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

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HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking anticipatory bail in FIR No.44 dated 23.05.2024 under Sections 452, 427, 506, 354-A, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sudhar, District Ludhiana.

2. On 01.10.2024, the following order was passed:-

*"The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking anticipatory bail in FIR No.44 dated 23.05.2024 under Sections 452, 427, 506, 354-A, 148, 149 of the Indian Penal Code, 1860*

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*(for short 'IPC'), registered at Police Station Sudhar, District Ludhiana.*

*Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. There is a delay of 03 days in registration of FIR (supra), which creates a doubt on the case set up by the prosecution. Similarly situated co-accused namely Mangal Singh @ Manga has been granted the concession of anticipatory bail by this Court vide order dated 09.09.2024 passed in CRM-M-38217-2024. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 07 years. Even no notice under Section 41-A of Cr.P.C. (now Section 35 of Bharatiya Nagarik Suraksha Sanhita, 2023) was served upon the petitioner. As such, the petitioner is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in **Md. Asfak Alam Vs. State of Jharkhand and another, 2023 (3) RCR (Criminal) 754**. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well his entire family.*

*Notice of motion for 04.11.2024.*

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before*

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*Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*

*If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.*

*Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”*

3. Learned State counsel, on instructions from ASI Harpreet Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 01.10.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) of Cr.P.C.
5. The petition stands disposed of.

04.11.2024  
vishnu

[ HARPREET SINGH BRAR ]  
JUDGE

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