



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M No.49980 of 2024
Date of decision: 28.11.2024

PANKAJ
STATE OF PUNJAB

Versus

.... Petitioner
.... Respondent

CORAM: HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr.Sandeep Arora, Advocate for the petitioner.

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

MANISHA BATRA, J. (oral)

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 FIR No.18 dated 15.02.2021 registered under Sections 323, 341, 365, 148 and 149 of IPC (Section 325 & 380 of IPC added later on) at Police Station Satnampura, Phagwara, District Kapurthala.

2. Vide order dated 04.10.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 04.10.2024, passed by this Court, reads as under:

“The instant petition has been filed by the petitioner for grant of pre-arrest bail in case arising out of FIR No.18 dated 15.02.2021 registered under Sections 323, 341, 365, 148 and 149 of IPC at Police Station Satnampura, Phagwara, District Kapurthala on the basis of statement got recorded by the complainant-Gaurav Kaler alleging that on 11.02.2024, the petitioner along with co-accused namely, Gurpreet Kaler @ Gopi, Rahul Kaler, Vishal Kaler, Rahil Kaler, Mani Kaler, Rohit Kaler, Pankaj Bhardwaj and Saurabh



CRM-M No.49980 of 2024

--2

Kaler had adducted him on motorcycle and took him to Bibi Bhani ground where 10-12 persons with muffled faces were already present and all of them had opened an assault and caused injuries to him. They have also taken his mobile phone and cash amount by pointing pistol upon him. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application which had been dismissed by the Court of learned Additional Sessions Judge, Kapurthala vide order dated 20.09.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. There is delay of 4 days in lodging of the FIR which had not been satisfactorily explained. The FIR has been registered after due deliberations. The prosecution story is highly improbable. No specific overt act had been attributed to the petitioner. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, submits that offences under Sections 325 and 380 of IPC which has not been mentioned in the head note as well as prayer clause of the petition. She has argued that there are specific allegations against the petitioner therefore, he does not deserve to be extended benefit of bail. His custodial interrogation is required for conducting proper investigation in the matter.



At this stage, on oral request of the counsel for the petitioner, offences under Sections 325 and 380 of IPC is ordered to be added in the head note and prayer clause of the main petition and Registry is directed to make requisite correction in the head note as well as prayer clause of the petition.

Adjourned to 28.11.2024.

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 State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 08.10.2024 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 04.10.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

28.11.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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