



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

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**CRM-M No.49640 of 2024
Date of decision : 20.11.2024**

Vinay Kaushik**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Sharma, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

Mr. D.S. Matya, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita of 2023 in case FIR No.131 dated 20.4.2024, under Sections 494, 417, 406, 506 of IPC (Section 376 of IPC was added later on), registered at Police Station Zirakpur, Patiala.
2. On 14.10.2024, the following order was passed:-

‘In terms of the order dated 07.10.2024, status report, by way of affidavit of Jaspinder Singh, PPS, Deputy Superintendent of Police, Sub Division Zirakpur, District SAS Nagar (Mohali) has been filed by learned State counsel in the Court today and the same is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner.

Learned counsel for the petitioner, inter alia contends that the petitioner was granted the concession of anticipatory bail in the FIR in question qua offences under Sections 494, 417, 406 and 506 of IPC on 20.05.2024, whereinafter the offence under Section 376 of IPC was added up against



the petitioner on 16.08.2024 but no substantial allegation has been raised that the petitioner has ever misused the said concession of anticipatory bail earlier granted to him & the petitioner is willing to join investigation and cooperate therein.

Learned counsel for the complainant has vehemently opposed the grant of interim anticipatory bail to the petitioner on the ground that the allegations made against the petitioner are serious in nature and the petitioner is misusing the concession of anticipatory bail earlier accorded to him.

Adjourned to 20.11.2024.

Learned State counsel as also the complainant are at liberty to file pleadings/ documents in support of their averments.

The petitioner is directed to appear before the Investigating Officer on 18.10.2024 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.'

3. Learned State counsel (on instructions) submits that pursuant to the order dated 14.10.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

Learned counsel for the complainant has raised submissions in tandem with the reply filed in Court today.

4. I have heard learned counsel for the parties and have perused the available record.

5. Keeping in view the entirety of the facts and circumstances of the case, especially the factum that the petitioner has joined the investigation and not required for custodial interrogation; the interim order dated 14.10.2024, passed by this Court is made absolute, subject to



the conditions as enumerated under Section 482 (2) of BNSS.

6. 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.

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) of BNSS, 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.

(SUMEET GOEL)
JUDGE

20.11.2024
Ashwani

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