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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50041-2024 (O&M)
Date of decision: 19.11.2024

Kuldeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ajay Pal Singh Gill, Advocate and
Mr. Ripudaman Singh Brar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

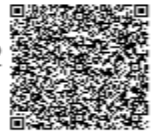
HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
in FIR No.109 dated 28.07.2024 under Sections 64, 351(1), 351(3) of the
Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar Faridkot,
District Faridkot.

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

*“Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking*

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anticipatory bail in FIR No.109 dated 28.07.2024 under Sections 64, 351(1), 351(3) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar Faridkot, District Faridkot.

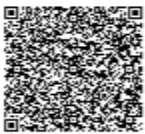
Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case due to a dispute with regard to monetary transaction between the parties. The cheque issued by brother of the complainant was dishonoured, as discernible from Annexure P-2. The prosecutrix is a matured lady of 29 years of age and the case set up by the prosecution is highly improbable and too far-fetched. The petitioner is not involved in any other case and apprehending his false implication, he has filed a petition i.e. CRWP-6981-2024 before this Court, in which notice of motion was issued on 24.07.2024 and FIR (supra) was registered on 28.07.2024, which vindicates the apprehension raised by the petitioner.

Adjourned to 19.11.2024.

*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 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 cooperate in the investigation. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS.*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and

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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 learned trial Court shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from ASI Navdeep 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 16.10.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).
5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

19.11.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No