

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
201

CRM-M-50381-2024
Date of decision: 11.11.2024

GURWINDER SINGH ALIAS LADI
V/s
STATE OF PUNJAB
....PETITIONER
....RESPONDENT

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J.

1. Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case bearing FIR No. 08 dated 07.01.2024 , registered for the offences punishable under Sections 363, 366-A of IPC (old), and under Section 137(2), 96 of BNS (new) at Police Station Dharamkot, District Moga.
2. On 07.10.2024, the following order was passed:-

*“Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.08 dated 07.01.2024, under Sections 363, 366-A of IPC (Old), under Sections 137(2), 96 of BNS Act (New), registered at Police Station Dharamkot, District Moga. It has been submitted by learned counsel for the petitioner that petitioner has been falsely implicated in the present case. He has further submitted that the role of the petitioner as alleged in the FIR is at par with that of co-accused, Parkash Kaur @ Pashi, who has already been granted anticipatory bail by this Court vide order dated 16.04.2024 passed in CRM-M-7943-2024. He submits that petitioner on the ground of parity with co-accused, deserves to be granted anticipatory bail.
Notice of motion for 11.11.2024.
In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 482(2) of Bhartiya Nagarik Suraksha Sanhita, 2023:-
(i) That the petitioner shall make himself available for interrogation by a police officer as and when required.*



(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
(iii) That the petitioner shall not leave India without prior permission of the court.”

3. Learned State counsel, on instructions from ASI Kuldeep Singh, has stated that pursuant to the order dated 07.10.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of above, the present petition is allowed and interim order dated 07.10.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) BNSS, 2023.
5. 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.
6. 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, 2023 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
8. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 11, 2024
jatin