



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

CRM-M-51026-2024
Date of Decision : 12.11.2024

PARVEEN MASEEH@PARVEEN MASIH
.....Petitioner(s)
VERSUS
STATE OF PUNJAB
.....Respondent(s)

CRM-M-52493-2024

EMMANUAL MASIH ALIAS MONU
.....Petitioner(s)
VERSUS
STATE OF PUNJAB
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vikas Gupta, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 16.10.2024, this Court had passed the hereinafter
extracted order in CRM-M-51026-2024, upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.184 dated 11.09.2024, under Sections 406, 420, 120-B, 506 of the IPC, registered at P.S. City Tarn Taran, District Tarn Taran.
2. The learned counsel for the petitioner inter alia submits that, the present FIR neither embodies any allegations of allurement or promise on the part of the petitioner to arrange job for complainant’s son, nor embodies any allegations regarding receipt of money by the petitioner. He further submits that the petitioner is ready to join the investigation and to cooperate with the investigating officer.
3. Notice of motion for 12.11.2024.
4. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.
5. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon

to do so. In the event of her arrest, she shall be admitted to interim bail on her furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023. ”

2. In CRM-M-52493-2024, this Court had passed the hereinafter extracted order on 22.10.2024:-

“Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), prayer is made for grant of 'anticipatory bail' to the petitioners in case FIR no.184, dated 11.09.2024 (Annexure P-1), under Sections 406, 420, 120-B and 506 of the IPC, registered at Police Station City Tarn Taran, District Tarn Taran.

At the very outset, learned counsel for the petitioner inter alia, draws attention of this Court towards the order passed by this Court on dated 16.10.2024, passed in CRM-M-51026-2024, whereby, the interim relief of 'anticipatory bail', has been granted to the co-accused-Parveen Maseeh alias Parveen Masih, by this Court, and the present petitioner is at co-equal pedestal to the co-accused in the abovesaid petition.

He further submits that there is no allegation against the present petitioner, that he has received any disputed amount in his account.

Notice of motion.

Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State, and waives service.

Adjourned to 12.11.2024.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so, and shall abide by the conditions as provided under Section 482(2) BNSS, 2023.

To be heard alongwith CRM-M-51026-2024.”

3. Today, learned State counsel has filed a short reply, dated 11.11.2024, by way of an affidavit of Sh.Kamalmeet Singh, DSP, Sub-Division Tarn Taran, in the court, which is taken on record, with a copy thereof supplied to learned counsel for the petitioners.

4. At the very outset, learned State counsel submits that though the petitioners have joined investigation, however, three mobile phones which were stolen from the premises of the complainant, has yet not been

got recovered by the petitioners. Therefore, the petitioners are not entitled for the asked for relief, at this stage.

5. The aforesaid submission of learned State counsel, is refuted by learned counsel for the petitioners, and he draws attention of this Court towards the FIR, to submit that in the instant FIR, no provision of the IPC for the commission of offence of theft, has been incorporated, rather the allegations are only made, in order to aggravate the offences.

6. Be that as it may be, since no provision of the IPC for the offence of theft, has been invoked in the instant FIR, and the petitioners already having joined investigation, and they have extended full co-operation, except the recovery of abovesaid mobile phones, the hereinabove extracted interim orders dated 16.10.2024 and 22.10.2024, are hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. These orders should not be treated as “blanket” order. It will not be read granting petitioner(s) 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. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

7. All pending application(s), if any, also stand **disposed** of accordingly.
8. A photocopy of this order be placed on the file of the connected case.

November 12, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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