



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.51210 of 2024
Date of decision: 21.11.2024

KISHORE CHAND @ JACKY
.... Petitioner
Versus
STATE OF PUNJAB
.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Rahul Bhargava, Advocate for the petitioner.

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

MANISHA BATRA, J. (oral)

1. 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.26 dated 14.04.2024 registered under Sections 452, 324, 326, 427, 506, 148 and 149 of IPC, at Police Station Raja Sansi, District Amritsar Rural.
2. Vide order dated 16.10.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 16.10.2024, passed by this Court, reads as under:

“The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.26 dated 14.04.2024 registered under Sections 452, 324, 326, 427, 506, 148 and 149 of IPC, at Police Station Raja Sansi, District Amritsar Rural.

Brief facts of the case relevant for the disposal of this case are that the aforementioned FIR was registered on the basis of the



statement recorded by the complainant-Vishal on 14.04.2024 alleging therein that on 26.02.2024, at about 6.00 pm, he was standing near the liquor vend at new station when the accused Akash alias Akke, Vinod and one unknown person came towards him. Accused Akash alias Akke started hurling abuses to him. On resisting, he slapped the complainant and thereafter the co-accused Vinod and unknown person started assaulting him. However, the complainant was rescued with the intervention of some persons from the neighbourhood. On the same evening, at about 7.15 pm, when he was present in his house, the accused Akash alias Akke along with the present petitioner and the co-accused entered inside his house after scaling the wall of his house and opening the gate of the same. They were armed with weapons and started assaulting the complainant. The petitioner was armed with a kirch. Injuries were caused on the person of the complainant by the accused Akash alias Akke and Sahil. The complainant became unconscious and had fallen down. His father raised rescue alarm and then the assailants had fled away. He was taken to the hospital and remained under treatment. He disclosed that his relatives and elder family members had been trying to effect a compromise till that date but the same could not be materialised and therefore, he prayed for taking action in the matter while handing over his medico-legal report and X-ray report as per which, he had sustained one simple and one grievous injury on his person. After registration of FIR,



investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 25.09.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of about two months in reporting the matter to the Police which has not been satisfactorily explained. A cross case bearing G.D. No.36 dated 02.05.2024 has been registered against the members of the complainant party on the basis of the statement recorded by Raju Singh, father of co-accused-Akashdeep Singh. The petitioner is working at Airport in Amritsar and on the day of occurrence, he was performing his duty. No specific injury has been attributed to him. He was not even present at the place of occurrence. His custodial interrogation is not required. Neither any recovery is to be effected from him. He is ready to join the investigation, therefore, it is urged that the petition deserves to be allowed.

Notice of motion.

Per contra, learned State counsel who has appeared on advance notice of the petition has submitted that there are serious and specific allegations against the petitioner. The complainant had sustained simple as well as grievous injuries on his person. The custodial interrogation of the petitioner is necessary for proper investigation of the matter by the Police. No



exceptional circumstances have been made out. The fact that the petitioner had been performing duty at the time of occurrence, is to be taken into consideration at the time of trial and not at this stage. Therefore it is urged that the petition does not deserve to be allowed. For filing status report, he seeks some time.

Adjourned to 21.11.2024.

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 24.10.2024 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 16.10.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

21.11.2024
Jyoti-IV

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