

**CRM-M-52326 of 2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****209A****CRM-M-52326 of 2024****DATE OF DECISION :- 21.11.2024****Balwinder Singh @ Binda****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Arnav Ghai, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Raghav Gulati, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 01 dated 08.09.2024 registered for offences punishable under Sections 376(2)(n), 376, 506 of IPC at Police Station Khanauri, District Sangrur (mentioned as Zero FIR) referred to P.S. City Sangrur.

2. On 22.10.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 01 dated 08.09.2024 registered for offences punishable under Sections 376(2)(n), 376, 506 of IPC at Police Station Khanauri, District Sangrur (mentioned as Zero FIR) referred to P.S. City Sangrur; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Learned Senior Counsel for the petitioner, Inter alia contends that genesis of the FIR in question is actually a property dispute; there was earlier consensual friendship/relationship between the petitioner and the complainant-Amanpreet Kaur; To buttress his arguments, learned Senior Counsel has relied upon an affidavit

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dated 29.7.2023 (copy whereof has been appended as Annexure P-7 with the instant petition); civil suits (copies whereof has been appended as Annexures P-3 & P-4 with the instant petition) are pending adjudication since the year 2021 & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Mr. Raghav Gulati, Advocate has filed vakalatnama for the complainant. The same be taken on record.

At this stage, Dr. Anmol Rattan Sidhu, Senior Advocate (instructed by Mr. Raghav Gulati, Advocate) has opposed the grant of interim relief to the petitioner

Adjourned to 21.11.2024.

The petitioner is directed to appear before the Investigating Officer on 24.10.2024 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 BNSS, 2023.

To be heard along with CRM-M-50996 of 2024.”

3. Learned State counsel, on instructions from ASI Narinder Singh, has stated that pursuant to the order dated 22.10.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. It has been further iterated by the learned State counsel that cancellation report qua the FIR in question was prepared on 08.11.2024 and the same has been submitted for consideration before the concerned competent Court.

4. Learned Senior Counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the



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allegations made against the petitioner are serious in nature. Learned Senior Counsel for the complainant has further iterated that investigation has not been carried out in proper perspective and the cancellation report has been wrongly presented by the police before the concerned Court. He has thus prayed that the instant petition be dismissed.

5. Keeping in view the entirety of facts and circumstances of the case, especially the factum of petitioner having joined investigation and not required for custodial interrogation as also the factum of a cancellation report dated 08.11.2024 having been put up by the police; the present petition stands allowed and the interim order dated 22.10.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

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, 2023 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

21.11.2024
P.Singh

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No