

206

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53800-2024 (O&M)
Date of decision: 27.11.2024

Amrinder Singh @ Amrit

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raghav Gulati, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

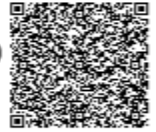
HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
to the petitioner in case bearing FIR No.0096 dated 11.09.2024 under Sections
137(2), 87, 60 of the Bharatiya Nyaya Sanhita, 2023, registered at Police
Station Division-3, District Police Commissionerate Jalandhar, Punjab.

2. On 28.10.2024, the following order was passed:-

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory*

2024:PHHC:156659



bail to the petitioner in case bearing FIR No.0096 dated 11.09.2024 under Sections 137(2)/87/60 of BNS, 2023 registered at Police Station Division-3, District Police Commissionerate Jalandhar, Punjab (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner along with his sister has been falsely implicated in the present case. In fact, the pen drive containing the video recorded by the mother of the prosecutrix is available on record as Annexure P-3 which proved that the victim/prosecutrix is staying with her biological mother and the complainant of the FIR is the grand mother of the victim/prosecutrix. He further submits that the victim/prosecutrix has voluntarily left the home of her grandmother to stay with her mother and siblings and petitioner has no concern whatsoever and only on the basis of suspicion, he has been implicated in the present case.

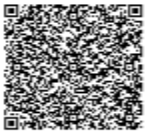
Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C./482 (2) of BNSS.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the

2024:PHHC:156659



petitioner in investigation, in terms of the order of this Court.

Adjourned to 27.11.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel, on instructions from ASI Parveen Kumar, 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 28.10.2024 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

27.11.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No