

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-54234-2024
Date of decision: 26.11.2024

ISHAN DODA....Petitioner

Versus

STATE OF PUNJAB...Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. M.S. Joshi, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY. J.(Oral)

By way of present petition filed under Section 482 BNSS, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

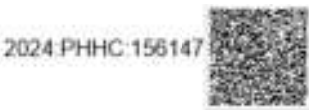
FIR No.	Dated	Sections	Police Station
173	18.08.2024	299, 126(2), 115(2), 190 of the BNS	City-1, Abohar

2.

Learned counsel for the petitioner has submitted that in compliance to the order dated 29.10.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.
3.

Learned State counsel, on instructions received from SI Amrik Singh, has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.
4.

Heard.



5. During the course of hearing on 29.10.2024, the following order was passed:-

“ By way of present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
173	18.08.2024	299, 126(2), 115(2), 190 of the BNS	City-1, Abohar

2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent having no concern with the alleged transaction. He contends that the petitioner has no concern with the complainant or the co-accused, namely Pankaj Narula, and in fact the occurrence between the co-accused (supra) and the victim took place at the sweet shop. He contends that from the perusal of the FIR, it transpires that there was no role attributed to the petitioner in committing the alleged offence and as per the FIR the attribution is to the co-accused (supra) of having committed the offence punishable under Section 299 of the BNS and all other offences are bailable. He further contends that no specific overt act is attributed to the petitioner. Hence, the present petition.

3. Notice of motion.

4. On the asking of the Court, Mr. Adesh Pal Singh, AAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and, on instructions received from ASI Mohan Lal, who is the Investigating Officer of the case, submits that no specific overt act is attributed to the petitioner and has not disputed the fact that offence under Section 299 of the BNS is attracted to the co-accused (supra) and not to the present petitioner. He prays for time to file the status report/reply, if any, in the matter.

5. Adjourned to 26.11.2024.

6. Needful be done well before the date fixed with an advance copy to the counsel opposite. 7. In the meanwhile, the petitioner is hereby directed to

join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS). ”

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 29.10.2024 passed by this Court, interim bail granted vide order dated 29.10.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

26.11.2024		(SANJIV BERRY)
amandeep		JUDGE
Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No