



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

213

**CRM-M No.54241 of 2024 (O & M)
Date of decision : 28.11.2024**

Joban Singh**Petitioner**

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ankush Rampal, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

Mr. R. S. Sidhu, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 for pre arrest bail of the petitioner in case
FIR No.102 dated 6.7.2024, under Sections 306 and 34 of IPC, registered
at Police Station 'A' Division, District Police Commissionerate, Amritsar.

2. On 29.10.2024, the following order was passed:-

*'Apprehending his arrest in FIR No. 102 dated 06.07.2024 registered for
offences punishable under Sections 306, 34 IPC at Police Station 'A'
Division, District Police Commissionerate Amritsar; the petitioner has
preferred this petition under Section 482 of BNSS, 2023 seeking pre-arrest
bail.*

*Inter alia contends that assuming arguendo the allegations in the FIR are
taken to be true, offence under Section 306 of IPC is not made out against
the petitioner; to buttress his argument learned counsel for the petitioner
has relied upon the judgment passed by the Hon'ble Supreme Court in*



Nipul Aneja and others versus State of UP; 2024 INSC 767 and as also Mohit Singal and another versus State of Uttarakhand and others; 2023 INSC 1035, no recovery is to be effected from the petitioner; the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

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

Mr. R.S. Sidhu,, Advocate, has put in appearance on behalf of the complainant and has filed his memorandum of appearance in Court today. The same be taken on record.

Adjourned to 28.11.2024.

The petitioner is directed to appear before the Investigating Officer on 06.11.2024 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 the BNSS, 2023.'

3. Learned State counsel (on instructions from ASI Balwinder Singh) has stated that pursuant to the order dated 29.10.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

However, learned counsel for the complainant has vehemently opposed the concession of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature and hence he ought not to be extended the concession of anticipatory bail. It has been further iterated that, in case the petitioner is granted anticipatory bail, he may intimidate the witnesses and also threaten the petitioner.

4. Keeping in view the entirety of the facts and circumstances of



the case, especially the factum of the petitioner having joined investigation in terms of order dated 29.10.2024 & State not requiring the petitioner for custodial interrogation, the petition is allowed and interim order dated 29.10.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

5. 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.

6. 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, or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

28.11.2024
Ashwani

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