



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-55301-2024
Date of decision: 28.11.2024

GURNEK SINGH @ NEKIPETITIONER

Versus

STATE OF PUNJAB AND ANOTHER ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Nitin Narula, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.
Mr. Sandeep Sharma, Advocate for the complainant.

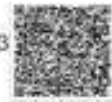
SANJIV BERRY, J. (ORAL)

Reply dated 27.11.2024 in the form of an affidavit of Deputy Superintendent of Police, Nihal Singh Wala (Moga), has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. By way of present petition filed under Section 482 of BNSS, 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
153	24.09.2024	115 (2), 118, 324 (4), 351 (2), 3(5) of the BNS, 2023 and Section 25 of Arms Act, 1959 and Section 118(2) of BNS added later on vide DDR No.9 dated 01.10.2024)	Nihal Singh Wala, District Moga.

3. Learned counsel for the petitioner submits that in compliance to the order dated 07.11.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 07.11.2024.



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4. Learned State counsel, on instructions from HC Krishan Gopal, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial interrogation.

5. During the course of hearing on 07.11.2024 following order was passed:

“ 2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that, as per the allegations, the petitioner allegedly gave iron dah blow on the little finger of the complainant. He contends that the petitioner is not having any other criminal antecedents and, in the meanwhile, with the intervention of the respectables, compromise has been effected between the injured complainant and the petitioner vide compromise/affidavit dated 08.10.2024 (Annexure P-2).

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 from ASI Krishan Gopal, submits that respondent No. 2 is the only injured in this case and he does not dispute the factual matrix of the case. He prays for time to file the status report/reply in the matter.

5. Mr. Sandeep Sharma, Advocate, has entered appearance on behalf of respondent No. 2/complainant and filed his power of attorney to assist learned State counsel in the matter. The same is taken on record. He admits the factum of compromise having been effected between the complainant/respondent No. 2 and the petitioner without any pressure or coercion. He submits that he has no objection if the petitioner is granted the concession of bail.

6. Adjourned to 28.11.2024.

7. Needful be done well before the date fixed with an advance copy to the counsel opposite.



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8. *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 07.11.2024 passed by this Court, interim bail granted vide order dated 07.11.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. 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.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

28.11.2024
kanika

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |