

CRM-M-55469-2024
Date of decision: 09.12.2024

....Petitioner.

Versus

...Respondent.

Present:- Ms. Ravinder Kaur Manaise, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

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
81	31.07.2024	109, 115(2), 324(4), 351(2), 191(3), 190 of BNS (117(2) BNS added lateron) 25 of the Arms Act	Kalanaur, District Gurdaspur

2. Learned counsel for the petitioner submits that in compliance to the order dated 08.11.2024, the petitioner has joined the investigation.

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3. During the course of hearing on 08.11.2024, following order has been 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 cross-version of the instant FIR vide GD No. 42 dated 31.07.2024, under Sections 118, 115(2), 190, 191(3), 324 (4) of the BNS has been registered at P.S. Kalanaur, District Gurdaspur, at the instance of the co-accused, namely Jatinder Singh, wherein the petitioner is one of the injured. He contends that the petitioner is a retired BSF personnel and a false version has been concocted by showing the petitioner armed with a gun. He contends that the said gun already stood deposited in the Police Station, Kalanaur, vide receipt dated 31.03.2024 (Annexure P-4) and is still in the police custody. He contends that the name of the petitioner has been incorporated in the FIR just to implicate the petitioner in the instant case and even there is no fire arm injury to anybody attributed in the FIR. He contends that there is no criminal antecedents against the petitioner, hence, the instant 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 Gurnam Singh, does not dispute the aforesaid fact and also admits that there was no fire arm injury in the occurrence. He prays for time to file the status report/reply in the matter.

5. Adjourned to 09.12.2024.

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

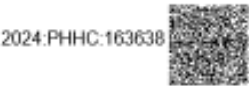
7. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall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

4. Learned State counsel, on instructions received from ASI Gurnam Singh, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Ms. Neha Randhawa, Advocate, has put in appearance for the complainant and filed her memo of appearance. The same is taken on record. She has opposed the bail petition of the petitioner.

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 08.11.2024 passed by this Court, interim bail granted vide order dated 08.11.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS). Further the petitioner are 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

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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.

09.12.2024
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(SANJIV BERRY)
JUDGE

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