

AT CHANDIGARH

DATE OF DECISION :- 05.12.2024

...Petitioner

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vishal Thakur, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Arnav Sood, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 81 dated 26.09.2024 registered for offences punishable under Sections 64, 316(2), 318(4) of BNS at Police Station Garhdiwala, Hoshiarpur.

2. On 12.11.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 81 dated 26.09.2024 registered for offences punishable under Sections 64, 316(2), 318(4) of BNS at Police Station Garhdiwala, Hoshiarpur; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that the genesis of the FIR in question is a discord between the brother of the petitioner and the complainant, the complainant and the brother of the petitioner had developed consensual friendship/relationship since the year 2021 which turned sour later on and it is on this account that the



FIR in question has been got registered against the petitioner, the allegations of the money transactions are primarily civil in nature & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

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

Mr. Arnav Sood, Advocate has filed vakalatnama for complainant. The same be taken on record.

Learned counsel for the complainant has vehemently opposed the grant of interim anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature & recovery of money is yet to be effected from the petitioner.

Adjourned to 05.12.2024.

The petitioner is directed to appear before the Investigating Officer on 16.11.2024 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 BNSS, 2023.”

3. Learned State counsel, on instructions from ASI Sukhjinder Singh, has stated that pursuant to the order dated 12.11.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature and hence anticipatory bail ought not to be granted to the petitioner. Learned counsel for the complainant has further



CRM-M-56342 of 2024 (O&M) 3

iterated that in case the petitioner is granted the concession of anticipatory bail he may threaten the witnesses and also intimidate the complainant.

5. Keeping in view the entirety of facts and circumstances of the case, especially the factum of petitioner having joined investigation and not being required for custodial interrogation, the present petition stands allowed and the interim order dated 12.11.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

6. 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.

7. 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, 2023 or upon showing any other sufficient cause.

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

9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

05.12.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No