



CRM-M-58176-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(219)

CRM-M-58176-2024
Date of Decision : 12.12.2024

Gurwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Anil K. Sokal, Advocate for
Mr. Vaibhav Jain, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. This Court, on dated 21.11.2024, had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), prayer is made for grant of 'anticipatory bail' to the petitioner in case FIR no.173, dated 09.12.2021 (Annexure P-1), under Sections 4 and 21 of the Cigarettes and Other Tobacco Products Act, 2003, and under Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, and under Section 188 of the IPC, registered at Police Station Division No.7, District Police Commissionerate, Jalandhar.

Learned counsel for the petitioner, in asking for the relief (supra), submits that the only offence punishable under Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, is nonbailable, whereas rest of offences mentioned in the FIR, are bailable in nature.



He further submits that the instant FIR has been registered only on the basis of a secret information, and there is no cogent or material evidence with the prosecution to substantiate the allegation in the FIR.

Notice of motion.

Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State, and waives service.

Adjourned to 12.12.2024.

In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.”

2. Today, the learned State counsel, on instructions imparted to her from the Investigating Officer concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 21.11.2024, is hereby made absolute, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

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4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.
5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

(KULDEEP TIWARI)
JUDGE

December 12, 2024
Manpreet

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