



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218 CRM-M-58174 of 2024
DATE OF DECISION :- 17.12.2024

Sukhwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vishal Thakur, Advocate
with Ms. Shamli, 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, 2023 at Police Station Garhdiwala, Hoshiarpur, District Hoshiarpur.

2. On 21.11.2024, 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, 2023 at Police Station Garhdiwala, Hoshiarpur, District Hoshiarpur; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter alia contends that there was consensual relationship/friendship between the petitioner and the victim-complainant which turned sour later on, the FIR in question has been registered on account of such relationship turning sour, the



allegations of money transactions are 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 the complainant. The same be taken on record.

Learned State counsel as also learned counsel appearing for the complainant have vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature. It has further been iterated by learned counsel for the complainant that in case the petitioner is granted the concession of anticipatory bail he may threaten the complainant as also the witnesses.

Learned State counsel and learned counsel for the complainant have further submitted that the recovery of money is yet to be made and hence anticipatory bail ought to be rejected. Learned counsel for the complainant has further iterated that the petitioner is a habitual offender and another FIR pertaining to Arms Act already stands registered against the petitioner.

Adjourned to 17.12.2024.

The petitioner is directed to appear before the Investigating Officer on 26.11.2024 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 On 21.11.2024, 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 there are direct/serious allegations against the petitioner and in case the petitioner is granted the concession of anticipatory bail there is every likelihood that 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 21.11.2024 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.

(SUMEET GOEL)
JUDGE

17.12.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No