



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64780-2024
DECIDED ON: 20.12.2024

TARUN KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0127, dated 12.06.2024, under Sections 336, 506, 120-B IPC (Sections 307 IPC and Section 25 of Arms Act added later on), registered at Police Station City Jagraon, District Ludhiana Rural.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“It is stated that I am resident of above mentioned address. I run a shop of commission agent (Aadatia) at Jagraon Mandi. Obscene photographs of my younger sister Mandeep Kaur were gone viral on social media by Tarun Kumar son of Sunil Kumar resident of Rampura (Doraha) in October 2023. My younger sister got lodged an FIR at NRI Police Station, Ludhiana. From that day, Tarun Kumar started calling me and threatening me. He

told me that I will take money from you and also shoot. Yesterday on 11.06.2024, I was present in the house of my father Mahinder Singh Grewal son of Buta Singh Grewal at street No.04 Kacha Malak Road Jagraon, then at around 8:58/9:00 in the night, unidentified person fired at our house with a pistol and with intention of killing, he fired, from our gate, towards the house with his pistol, which made us very nervous, Due to fear, that it was night time, we could not reach to give information. Today, I, along with my relative Sukhminder Singh, son of Mukhtiar Singh, resident of Galib Kalan at present resident of Canada, was coming to the police station to give information. You met us at Jhansi Rani Chowk. Legal action be taken against the unidentified above mentioned person. I have full confidence that this shot was fired by Tarun Kumar.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as there is no direct or cogent evidence against the petitioner to connect him with the alleged commissioning of the offence. He further contends that the co-accused Harmehtab had fired gun shot in the air, on whose disclosure statement, the present petitioner has been nominated as an accused in the instant FIR. It has been contended on behalf of the petitioner that no injury has been attributed to him and nothing is to be recovered from him for which his custodial interrogation is required.

He undertakes that the petitioner will join the investigation and cooperate with the investigating agency.

Notice of motion.

On behalf of the State

Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and opposes the grant of anticipatory bail to the petitioner on the ground that the allegations against the petitioner are serious, wherein he allegedly uploaded the obscene photographs of the complainant's sister and on that ground seeks dismissal of the instant petition.

4. **Analysis**

Be that as it may, considering the fact that neither any injury has been attributed to the petitioner nor any direct role has been attributed to the petitioner to connect him with the alleged commissioning of the offence and the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating agency added with the fact that the custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such

directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

20.12.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No