



210-CRM-M-35-2025

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-35-2025
Date of decision: 04.03.2025**

Naresh Kumar

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Gagandeep Singh Simble, Advocate,
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

Two separate short replies dated 03.03.2025 filed in the form of affidavit of Senior Superintendent of Police, Jalandhar (Rural) are taken on record. Copies thereof supplied to the learned counsel for the petitioner.

2. There is also a request made by Senior Superintendent of Police, Jalandhar (Rural), seeking his exemption for today.

3. Keeping in view the submissions thereof, presence of Senior Superintendent of Police, Jalandhar (Rural) is exempted for today.

4. Mr. N.S. Lucky, Advocate, has entered appearance on behalf of the complainant and has filed his memo of appearance. The



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same is taken on record. He does not oppose the factual matrix of the case.

5. 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
165	21.06.2023	302, 148, 149 of the IPC (216, 120-B of the IPC added lateron)	Phillaur, Police District Jalandhar Rural

6. Learned counsel for the petitioner submits that in compliance to the orders dated 15.01.2025, 31.01.2025 and 18.02.2025, the petitioner has joined the investigation.

7. During the course of hearing on 15.01.2025, following order has been passed: -

‘Reply dated 14.01.2025 in the form of an affidavit of Deputy Superintendent of Police, Sub Division Phillaur, Jalandhar (Rural), has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. *Heard.*

3. *S.I. Sahibmeet Singh, P.S. Phillaur is present in Court along with record. On a query, it is submitted by the Investigating Officer of the case, present in Court, that as of now only evidence against the petitioner is the disclosure statement made by co-accused Balvir @ Modi.*

4. *Be it the case, without commenting on the merits, the petitioner is directed to join the 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*



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Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) of BNSS, 2023.

5. *List on 31.01.2025.*

6. *Investigating Officer of the case to remain present in Court along with record on that date.'*

8. On 31.01.2025, following order had been passed by this Court: -

'Learned counsel for the petitioner submits that the petitioner has joined the investigation in compliance to the order dated 15.01.2025.

2. *Learned State counsel, on instructions from SI Sahibmeet Singh, submits that although the petitioner has joined the investigation but certain more questions remained to be put up for which he may be asked to join again to which learned counsel for the petitioner has no objection.*

3. *List on 18.02.2025.*

4. *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 in compliance of the order dated 15.01.2025 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 BNSS, 2023.'*

9. On 18.02.2025, following order had been passed by this Court: -

'Learned State counsel, on instructions from ASI Jaswinder Singh, submits that the petitioner has not joined the investigation in compliance to the order dated 15.01.2025.

However, learned counsel for the petitioner submits that the petitioner had gone to join investigation many times and even yesterday, he had gone to join investigation and met



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the police official with Mobile No.9517987551, but the police official did not allow him to join the investigation.

When being confronted, ASI Jaswinder Singh present in Court, has categorically stated that he has verified from the Police Station and also from the concerned SHO that the petitioner did not come to join the investigation and on being supplied the mobile number given by learned counsel for the petitioner, he stated that the mobile number belongs to SI Sahibmeet Singh, Incharge Police Post Apra, Police Station Phillaur, Jalandhar.

It is worth mentioning that on the previous date i.e. on 31.01.2025, the said SI Sahibmeet Singh was present in Court and had stated that although the petitioner had joined the investigation but certain more questions are required to be put to him and on his asking, the petitioner was again directed to join the investigation.

The above facts reveal the sorry state of affairs going on in the Police Department and a clear cut violation on the part of the police officials in not allowing the petitioner to join investigation in compliance to the orders passed by this Court.

In these circumstances, the Senior Superintendent of Police, Jalandhar Rural is directed to take appropriate legal action against the erring officials and submit his report by appearing in person in Court on the next date of hearing.

List on 04.03.2025

In the meanwhile, the petitioner is again directed to join investigation by appearing before the SHO, Police Station Phillaur on 19.02.2025 i.e. tomorrow at 11:00 AM positively and in that event the petitioner be released on interim bail in terms of the order dated 15.01.2025.'

10. Learned State counsel on instructions received from SHO, Sanjev Kapor and DSP Sarvan Singh Bal, informs the Court that the



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petitioner had joined the investigation and is neither required for further investigation nor for any custodial interrogation.

11. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the orders dated 15.01.2025, 31.01.2025 and 18.02.2025 passed by this Court, interim bail granted vide orders dated 15.01.2025, 31.01.2025 and 18.02.2025 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS). Further the petitioner is 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 with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

12. The petition stands allowed.

13. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

04.03.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |