



209 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-379-2025 (O&M)
Date of Decision: 11.02.2025

MALKIT SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Munish Garg, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.133 dated 18.10.2024 under Sections 331(6)/351/190/191 of BNS (Section 238 of BNS added later on) registered at Police Station Barnala, District Barnala (Annexure P-1).

2. On 09.01.2025, following order was passed:

“The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.133 dated 18.10.2024 under Sections 331(6)/351/190/191 of BNS (Section 238 of BNS added later on) registered at Police Station Barnala, District Barnala (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the factual ingredients breaching the threshold of Section 331(6) of BNS are not attracted and even as per the case set up by the prosecution, no specific role has been attributed to the petitioner. The allegations are only with regard to verbal abuse and there is a delay of one day in reporting the matter to the jurisdictional police authorities.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab with Mr. S.S. Goripuria, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS (earlier Section 438 (2) Cr.P.C.).*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 11.02.2025.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from HC Kuldeep Singh, submits that in compliance of order dated 09.01.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.



4. Keeping in view the statement made by learned State Counsel the order dated 09.01.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.

5. The petition is accordingly disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.02.2025
Ajay Goswami

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