2025:PHHC:018969

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212

CRM-M No.198 of 2025 (O&M)
Date of decision: 10.02.2025

Darshan Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rakesh Kumar Kachura, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Kamal Narula, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNS, 2023, seeking anticipatory bail in case FIR No.207 dated 19.10.2024, registered under Sections 118(1), 115(2), 351(2), 191(3), 190 of BNS, 2023 (Section 333 of BNS stands deleted vide DDR No.33 dated 15.12.2024 and Sections 118(2), 117(2) of BNS, 2023, added later on vide DDR No.27 dated 17.11.2024) at Police Station Guruharsahai, District Ferozepur.

2. On 08.01.2025, the following order was passed:-

"XX XX XX XX

Learned counsel for the petitioners, inter alia, contends that there is a delay of 03 days in registration of FIR (supra), which creates a serious doubt on the case set up by the prosecution. Further, it is a case of version and

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cross-version and no specific injury has been attributed to petitioner No.1 and he is alleged to have raised lalkara. Even no specific role has been attributed to petitioner No.2.

Notice of motion for 10.02.2025.

Keeping in view the ratio of 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****, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners will cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS [erstwhile Section 438(2) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')]*

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

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law."

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3. Learned State counsel assisted by learned counsel for the complainant and on instructions from ASI Mehal Singh, at the very outset, informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required, however, recovery of a sword is yet to be effected.

4. In view of the statement of learned State counsel, order dated 08.01.2025 is hereby made absolute. The petitioners shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).

5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

10.02.2025
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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