



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
201
CRM-M-1015-2025 (O&M)
Decided on : 26.03.2025

Fakeer Muhammad . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Parvez Akhtar Dhaliwal, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab.

Ms. Raageshwari, Advocate for
Mr. Gaurav Vir Singh, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Fakeer Muhammad	131	12.12.2024	115(2), 191(3), 190, 351(2), 333 of BNS, 2023 and Sections 117(1), 117(2) of BNS, 2023	Sadar Ahmedgarh	Malerkotla

2. In the present case, on 13.01.2025, following order was passed:-

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 115(2), 191(3), 190, 351(2), 333 of BNS, 2023 and Sections 117(1) and 117(2) of BNS, 2023, in a case arising out of FIR No.131, dated



12.12.2024, registered at Police Station Sadar Ahmedgarh, Punjab (Annexure P-1).

2. Learned counsel for the petitioner inter alia contends that the petitioner is an old aged person of about 70 years of age and he is not having active role in the incident. There is no specific injury attributed to the petitioner. Offence under Section 333 of BNS, 2023 (Section 452 of IPC) would be the one major offence, which can be said to be non-bailable. Petitioner being an old aged person of about 70 years of age, is already implanted with an rod in the left leg and there is no likelihood of his absconding from the process of law. He is ready to join investigation.

3. Notice of motion.

4. On advance notice, Mr. Amandeep Singh, DAG-cum-PP, Punjab, puts in appearance on behalf of the respondent – State, and seeks time to file status report.

5. At this stage, Mr. Gaurav Veer Singh Behl, Advocate, puts in appearance on behalf of the complainant and files his Vakalatnama in Court, which is taken on record, subject to all just exceptions. He has vehemently opposes the prayer of anticipatory bail of the petitioner.

6. After hearing counsel for the parties, I do not find any force in the submissions of learned counsel for the complainant in opposing the prayer of the petitioner for seeking anticipatory bail.

7. Adjourned to 26.03.2025.

8. In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) BNSS, 2023.

9. Besides, petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the Country, he would seek prior permission from the Investigating Agency/concerned Court.”

3. Learned counsel for the petitioner submits that in compliance to the order dated 13.01.2025, petitioner has already joined investigation and fully cooperated with the investigating agency. Further, submits that custodial interrogation of the petitioner would not serve any purpose to the prosecution and therefore, seeks confirmation of the interim bail.

4. On the other hand, learned State counsel opposes the prayer of the petitioner’s counsel, and produces the status report dated 25.03.2025, in Court, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.



5. Learned counsel for the State submits that petitioner has joined investigation and fully cooperated, thus, his custodial interrogation is not required any more.

6. Heard.

7. Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is **allowed** and the ad-interim order dated 13.01.2025, is hereby made absolute.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

8. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

9. **Accordingly, petition stands disposed of.**

(SANJAY VASHISTH)
JUDGE

March 26, 2025

J.Ram

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