



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
207

CRM-M No.1223 of 2025 (O&M)
Date of decision: 14.02.2025

Ashu
State of Punjab
Versus
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sumit Dua, Advocate
for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.126 dated 31.08.2024 under Sections 309(4)/3(5) of BNS, 2023 (Sections 317(2)/303(2)/238 of BNS and Section 25 of Arms Act, 1959 added later on), registered at Police Station Division No.1, Jalandhar.

2. On 13.01.2025, the following order was passed:-

“XX XX XX XX
Learned counsel for the petitioner inter alia contends that as per the case set up by the prosecution, three assailants with muffled faces snatched the bag of the complainant having Rs.40,000/-. He further submits that three persons have already been arrested and their police remand was taken and all the recoveries have been effected and the petitioner is the fourth person nominated on the basis of disclosure statement and he is not involved in any other case. Further, the arrested co-accused have been

2025:PHHC:021311



granted the concession of regular bail by the learned trial Court.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., 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 14.02.2025.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case

2025:PHHC:021311



and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel, on instructions from ASI Sahib Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 13.01.2025 is hereby made absolute. The petitioner 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

14.02.2025
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No