



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-2836-2025 (O&M)
Date of decision: 20.02.2025

Sahil
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Paramjeet Phor, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.334 dated 16.12.2024 under Section 316(2) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Asauda, District Jhajjar.

2. On 20.01.2025, the following order was passed:-

“XX XX XX XX
Learned counsel for the petitioner, inter alia, contends that the alleged incident took place on 28.11.2024 and FIR (supra) was registered on 16.12.2024, which creates a serious doubt on the case set up by the prosecution and the petitioner is having clean antecedents. Further, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 05 years and even no notice under Section 35 of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’)] has been served



upon the petitioner.

Notice of motion for 20.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is 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 petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner 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."

3. Learned counsel for the petitioner submits that the petitioner has joined the investigation thrice and on each occasion, he



has been made to sit in the Police Station for the whole day for the purpose of joining the investigation.

4. Learned State counsel, on instructions from ASI Rajneesh, submits that the petitioner has not joined the investigation in compliance of the order passed by this Court on 20.01.2025.

5. In view of the above, the present petition is disposed of and the order dated 20.01.2025 is 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*).

6. The petitioner is, however, directed to appear before the concerned Illaqa Magistrate on 25.02.2025 at 11:00 AM, who would then summon the Investigating Officer and direct him to join the petitioner in the investigation, in terms of the order passed by this Court.

7. The Superintendent of Police, Jhajjar, is also directed to dispassionately examine the conduct of the Investigating Officer, after verifying the presence of the petitioner in Police Station by scrutinizing the CCTV camera installed in the premises of Police Station and in case, the Investigating Officer is found to have instructed the learned State counsel with incorrect information, appropriate action shall be taken against him.

(HARPREET SINGH BRAR)
JUDGE

20.02.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No