



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

105

**CRM-M-2853-2025(O&M)
Decided on : 21.01.2025**

Shubham Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vansh Chawla, for the petitioner.

SANJAY VASHISTH, J. (Oral)

1. Petitioner has filed the present petition under Section 482 of BNSS Act of 2023, seeking anticipatory bail in case FIR No. 0177 dated 05.12.2024, under Sections 333, 115(2), 126(2), 351(2), 191(3), 190 of BNS Act, 2023 (Section 117(2) of BNS Act, 2023 was added later on), registered at Police Station Lalru, District SAS Nagar, Punjab.

2. At the very outset, learned counsel for the petitioner submits that the co-accused namely; Balkar Singh has already been granted the concession of anticipatory bail by this Court vide order dated 14.01.2025 (Annexure P-2) passed in CRM-M-1559-2024. Learned counsel for the petitioner further submits that the facts noticed therein and the submissions in regard to the prayer made in the present petition are almost similar, thus, prays for grant of anticipatory bail to the petitioner. For reference, order dated 14.01.2025 is reproduced herebelow:

“Present: Ms. Sehej Sandhawalia, Advocate for the petitioner.

SANJAY VASHISTH, J(ORAL)

1. Present petition has been filed by the petitioner, for grant of anticipatory bail, in case bearing FIR No.177, dated 05.12.2024, under Sections 333, 115(2), 126(2), 351(2), 191(3), 190 of BNS,



2023, in which Section 117(2) has been added later on, registered at Police Station Lalru, District SAS Nagar.

2. Counsel for the petitioner argues that only Section 333 of the BNS (Section 452 I.P.C.) is non-bailable, and all other alleged offences triable by the Court of Magistrate, are bailable in nature.

3. Thus, counsel for the petitioner submits that no useful purpose would be served by putting the petitioner behind bars. She also submits that the petitioner is ready to join the investigation as and when called by the Investigating Officer and he also undertakes to appear before the investigating agency/Court as and when called for.

4. Notice of motion.

5. On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts an appearance on behalf of the respondent/State.

6. Factual assertion submitted by counsel for the petitioner is not disputed by learned State counsel, more to the effect that all the major offences including Section 117(2) BNS (Section 325 I.P.C.) are bailable, except of the offence under Section 452IPC.

7. After hearing counsel from both the sides and grounds mentioned in the present petition, this Court does not find any justification in calling response in writing from learned State counsel, as custodial interrogation is not going to serve any purpose.

8. Therefore, prayer made in the present petition is accepted.

Accordingly, 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 bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 482(2) of the BNSS, 2023.

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.

Disposed of.”

3. Notice of motion.

4. On advance notice, Mr. Amandeep Singh, DAG, Punjab appears

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on behalf of respondent/State and raises no objection in case the prayer made in the present petition can also be disposed of with the same terms as passed in CRM-M-1559 of 2025, as the role of the present petitioner and co-accused namely; Balkar Singh is similar.

5. In view of the facts already noticed in the order dated 14.01.2025 passed in CRM-M-1559 of 2025 (P-2) and there being a common stand from both the sides that the role of the petitioner is same as of co-accused namely; Balkar Singh, the prayer made in the present petition is accepted and same is allowed.

Accordingly, 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 bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 482(2) of the BNSS, 2023.

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.

Disposed of.

(SANJAY VASHISTH)
JUDGE

January 21, 2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No