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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-4288-2025 (O&M)
Date of Decision: 01.04.2025

Gulab Singh @ Hardit Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Bhavyadeep Walia, Advocate for the petitioners.

Mr. S.S.Chahal, AAG, Punjab.

Mr. R.S.Gill, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest
bail to the petitioners in FIR No.60 dated 28.06.2024, under Sections 323,
341, 324, 506 and 148 read with Section 149 of the Indian Penal Code, 1860
(for short 'IPC') [Sections 308 and 201 IPC added later on], registered at
Police Station Sadar Rajpura, District Patiala.

(2) Allegations are that petitioners along with other co-accused
formed an unlawful assembly and in prosecution of common object of the
said assembly, caused multiple injuries to *de facto* complainant-Sharanpreet
Singh with *danda* and *gandasa* with intention to kill him.

(3) Contends that petitioners were granted interim bail by this
Court, vide order dated 10.02.2025 and in pursuance thereof, they have
already joined the investigation; hence, their custodial interrogation is not
required.



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(4) The above factual position is not disputed by learned State Counsel, on instructions from quarter concerned and submits that their custodial interrogation is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It transpires that petitioners were granted interim bail by this Court, vide order dated 10.02.2025 and the order reads as under:-

“Contends that during investigation, injuries were found to be simple in nature; as a result thereof, offence under Section 307 of the Indian Penal Code, 1860 (for short ‘IPC’) was deleted on 19.10.2024 and petitioners were granted bail pending trial by Learned Addl. Sessions Judge, Patiala on 12.11.2024 (P-3). Further contends that now offence under Section 308 IPC has been added on 17.01.2025 without there being any material to that effect. Also contends that there is a cross-version by petitioners’ side against de facto complainant and as such, in these circumstances, arrest of the petitioners would not serve any purpose.

Per contra, learned Counsel for the complainant opposed the prayer on the premise that allegations are serious in nature; hence, petitioners do not deserve the concession of pre-arrest bail.

Learned State Counsel seeks time to have further instructions in the matter.

Posted for 25.03.2025.

In the meanwhile, petitioners shall join investigation before the Investigating Officer, but they be not arrested till the next date of hearing.”

(7) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioners have joined investigation and their custodial interrogation is not required.

(8) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioners. Consequently, present petition is allowed; interim order dated 10.02.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of BNSS.

(9) It is also made clear that petitioners shall fully co-operate with



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the Investigating Officer as and when called for further investigation.

(10) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(11) It is also clarified that in case of any recurrence on the part of petitioners, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

01.04.2025 **(MAHABIR SINGH SINDHU)**
Rajeev (rvs) **JUDGE**

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No