



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

CRM-M-5066-2025 (O&M)

Date of decision: 19.03.2025

Sumit Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Rahul Garg, Advocate for
Mr. Bharat Puri, Advocate for the petitioner.

Mr. S.S.Chahal, AAG, Punjab for respondent No.1.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of pre-arrest bail to the petitioner in FIR No.120 dated 11.07.2024 (P-1), under Sections 452, 323, 355, 427, 147 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station Civil Lines, District Police Commissionerate Amritsar.

(2) Allegations are that petitioner, along with co-accused, in prosecution of their common object formed an unlawful assembly, forcibly entered into the shop of Amit Sharma (husband of *de facto* complainant/respondent No.2-Shweta Sharma); inflicted several injuries; took out two mobile phones from his pocket and forced him to drink urine.

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(3) Learned Counsel contends that petitioner was granted interim protection by this Court, vide order dated 29.01.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(4) The above factual position is not disputed by learned State Counsel, on instructions from the police official concerned. Status report by way of an affidavit dated 16.03.2025 of Sh. Kamaljeet Singh, Assistant Commissioner of Police, North, Amritsar (additional charge) has been filed. The same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.

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

(6) It transpires that petitioner was granted interim protection by this Court, vide order dated 29.01.2025 and the order reads as under:-

“Contends, inter alia, that as per prosecution case itself, the alleged occurrence took place on 24.08.2023; whereas present FIR was registered on 11.07.2024, but there is no explanation to that effect.

Notice of motion.

At this stage, Mr. Kunwarbir Singh, learned A.A.G., Punjab, accepts notice on behalf of the respondent No.1-State; seeks time to have instructions and/or to file written response in the matter.

Service of respondent No.2 in due course.

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In the meanwhile, petitioner shall join investigation before the Investigating Officer, but he 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, petitioner has joined investigation and his 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 petitioner. Consequently, present petition is allowed; interim order dated 29.01.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(9) It is also made clear that petitioner shall fully co-operate with 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 petitioner, 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.

19th March, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>