



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.5402 of 2025

Date of decision: 07.03.2025

SUKHVIR SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. J.P. S. Sarao, Advocate for the petitioner
(*through video conference*).

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.04, dated 10.01.2025, registered under Sections 109, 115, 324(2), 191(3), 190, 351(2) of Bharatiya Nyaya Sanhita, 2023 at Police Station Bassi Pathana, District Fatehgarh Sahib (Punjab).

2. Vide order dated 30.01.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 30.01.2025, passed by this Court, reads as under:

“Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks anticipatory bail in case FIR No.04, dated 10.01.2025, registered under Sections 109, 115, 324(2), 191(3), 190, 351(2) of Bharatiya Nyaya Sanhita, 2023 at Police Station Bassi Pathana, District Fatehgarh Sahib (Punjab).



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The aforementioned FIR has been registered on the basis of statement recorded by the complainant Gurmeet Singh making allegations therein that on 09.01.2025, the present petitioner along with the co-accused formed a membership of unlawful assembly and in prosecution of common object thereof, they had damaged the Thar vehicle belonging to the complainant by striking blows with baseball bat and other weapons on the windowpane of the same. They had also extended threats to the complainant and his companions. A kirpan had been hit by one of the assailants with an intention to kill the complainant but somehow he saved himself. After registration of FIR, investigation proceedings have been initiated and are underway.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific injury has been attributed to him. The ingredients for commission of offence under Section 109 of BNS are not at all attracted as no injury has been sustained by the complainant or his companions nor any such attempt on the part of the complainant has been alleged. Custodial interrogation is not required. He is ready to join the investigation. Therefore, it is urged that petition deserves to be allowed.

Notice of motion.

Learned State counsel who has advance notice of the petition seeks time to file status report.

Adjourned to 07.03.2025.



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In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023. 30.01.2025.”

3. Status report dated 02.03.2025 filed on behalf of respondent-State is taken on record.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 12.02.2025 and recovery of one baseball bat which was allegedly used by the petitioner has been effected at his instance. He is not required for custodial interrogation.

5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 30.01.2025, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

07.03.2025
Jyoti-IV

Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No