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

CRM-M-4960-2025

Date of decision: 28.02.2025

Vijay Kumar @ Gogri

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. S.K. Gupta, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 of BNSS seeking anticipatory bail to the petitioner in case bearing FIR No.154 dated 24.08.2024 under Sections 331(6)/115(2)/193(3)/324(4)/324(5)/190 of BNS of 2023 registered at Police Station City I Sangrur, District Sangrur (Annexure P-1).

On 28.01.2025, the following order was passed:-

'The present petition has been filed under Section 482 of BNSS seeking anticipatory bail to the petitioner in case bearing FIR No.154 dated 24.08.2024 under Sections 331(6)/115(2)/193(3)/324(4)/324(5)/190 of BNS of 2023 registered at Police Station City I Sangrur, District Sangrur (Annexure P-1).

Learned counsel for the petitioner inter alia contends that no injury has been attributed to the petitioner and he is only alleged to have demolished the boundary wall of the house of the complainant. He further submits that CCTV footage and call record has not been obtained by the Investigating Officer to connect the presence of the petitioner at the time of incidence. Furthermore, the petitioner was at a different location at the time of the incident, engaged in labour work and segregating garbage. He is not involved in any other case.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of***



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Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS (earlier Section 438 (2) Cr.P.C.).

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 28.02.2025.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

Learned State counsel on instructions from ASI Jaswinder Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 28.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.02.2025

Neha

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