



212-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5565-2025

Date of decision: 28.02.2025

Harwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Madhu Bala, Advocate for
Mr. Janak Singh Bhinder, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Himanshu Garg, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR
No.170 dated 23.12.2024 (Annexure P-1) under Sections
304/308(3)/351(2)/127(7)/119(1) of BNS registered at Police Station City
Samana, District Patiala.

On 30.01.2025, the following order was passed:-

*'Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking
anticipatory bail in FIR No.170 dated 23.12.2024 under Sections 304,
308(3), 351(2), 127(7), 119(1) of Bharatiya Nyaya Sanhita, 2023
(wrongly mentioned as BNSS), registered at Police Station City
Samana, District Patiala.*

*Learned counsel for the petitioner, inter alia, contends that as
per case set up by the prosecution, initial version is that some
unknown persons were the assailants, however, later on, the
complainant came to know that the petitioner and three unknown
persons have beaten him up and snatched his Rs.27,000/-. The
aforementioned evidence is a hearsay and as per the prosecution case,
the articles snatched from the complainant have been returned to him.
As such, no offence is made out against the petitioner. Notice of
motion.*

*Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the
Court, accepts notice on behalf of the respondent-State and Mr.
Himanshu Garg, Advocate accepts notice on behalf of the complainant
and files Memorandum of Appearance in the Court today, which is
taken on record. Learned State counsel, assisted by learned*



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counsel for the complainant, opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are specific allegations against him that he beaten up the complainant. The complainant also heard the noises of somebody else being beaten up outside and as such, the petitioner is running a racket and his custodial interrogation is required to conduct proper investigation.

Adjourned to 28.02.2025.

*Keeping in view the ratio of 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 Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).*

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

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law..'

Learned State counsel on instructions from SI Kuldeep 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 30.01.2025 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.) and is directed to join the investigation as and when called by the Investigating/Arresting Officer.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.02.2025

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