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

CRM-M-10310-2025

Date of decision: 21.03.2025

Jaspreet Singh and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Vaibhav Sharma, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 of BNSS, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.322 dated 22.10.2024 under Sections 303(2)/3(5)/238 of BNS (earlier Sections 379/34/201 of IPC) registered at Police Station Division No.7, Ludhiana (Annexure P-1).

On 21.02.2025, 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.322 dated 22.10.2024 under Sections 303(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) and Section 238 of BNS (added later on), registered at Police Station Division No.7, Ludhiana.

Learned counsel for the petitioners, inter alia, contends that the petitioners were employed as Caretakers of the agricultural land, which has been in continuous possession of their employer’s family since 1971 and the injunction order dated 06.12.2023 (Annexure P-2) passed by the Civil Court is also in favour of employer of the petitioners. Further, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 03 years and notice under Section 35(3) of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’)] has not been served upon the petitioner. It is further contended that arrest of the petitioners was stayed and they were directed to join the investigation by learned Additional Sessions Judge, Ludhiana, however, due to registration of another FIR No.277 dated 11.09.2024 under Sections 303(2), 324(5), 329(3), 333 of BNS in the same police station, the petitioners could not join the investigation.

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. Tejas Bhardwaj, Advocate appears on behalf of the complainant and files



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Memorandum of Appearance in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file.

Learned State counsel, assisted by learned counsel for the complainant, opposes the prayer for grant of anticipatory bail to the petitioners on the ground that the petitioners are habitual offenders and they are involved in three more cases.

Adjourned to 21.03.2025.

*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 petitioners are 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 petitioners will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners will cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).*

If the Arresting Officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners 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 Janak Raj, at the very outset informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 21.02.2025 is hereby made absolute. The petitioners 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

21.03.2025

Neha

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