



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

**CRM-M-12549-2025**  
**Date of decision: 04.04.2025**

**MOHAMMAD JAGUP ALIAS YAKUB**

**...PETITIONER**

**V/S**

**STATE OF PUNJAB**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present:      Mr. Gurmej S. Bhinder, Advocate for  
                    Mr. S.K. Chaudhary, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

\*\*\*\*

**HARPREET SINGH BRAR, J. (ORAL)**

1.            The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.04 dated 24.01.2025 under Sections 190/115(2)/221/132/191(3)/190/324(4) of BNS registered at Police Station Shahpurkandi, District Pathankot (Annexure P-1).

2.            On 05.03.2025, following order was passed:

*“The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.04 dated 24.01.2025 under Sections 190/115(2)/221/132/191(3)/190/324(4) of BNS registered at Police Station Shahpurkandi, District Pathankot (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case and the only allegation against the petitioner is to have raised lalkara and no injury has been attributed to him. Moreover, the maximum sentence under*



*which the FIR was lodged is punishable upto 05 years and no notice under Section 35 of BNSS (earlier Section 41-A of Cr.P.C.) has been served upon the petitioner.*

*Notice of motion.*

*On the asking of the Court, Mr. Subhash Godara, Addl.A.G., 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 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 04.04.2025.*

*\ 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."*

3. Learned State counsel, on instructions from ASI Naresh Kumar, submits that in compliance of order dated 05.03.2025 passed by this Court, the



petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 05.03.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)

5. The petition is accordingly disposed of.

6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

April 04, 2025  
manisha

(HARPREET SINGH BRAR)  
JUDGE

|      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |