



CRM-M-11075-2025

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

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CRM-M-11075-2025 (O&M)**Date of Decision: 07.04.2025**

Rakesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Charanbir Singh, Advocate for the petitioner.

Mr. S.S.Chahal, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') [Corresponding to Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.')] for grant of pre-arrest bail to the petitioner in FIR No.011 dated 17.01.2025, under Sections 132, 221, 118(2), 115(2), 126(2), 62, 351(3), 191(3) read with Section 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [corresponding to Sections 353, 186, 326, 323, 341, 511, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short, 'IPC')], registered at Police Station Kotwali Patiala, District Patiala.

2. Allegations are that petitioner along with co-accused formed an unlawful assembly and in prosecution of their common object of the said assembly, caused serious injuries to *de facto* complainant-Somnath and other officials; wrongfully restrained them and also criminally intimidated with dire consequences.

3. Contends that petitioner was granted interim bail by this Court,



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vide order dated 28.02.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

4. The above factual position is not disputed by learned State Counsel, on instructions from SI Om Parkash and submits that his custodial interrogation is not required.

5. Heard learned Counsel for the parties and perused the paper-book.

6. It transpires that petitioner was granted interim bail by this Court, vide order dated 28.02.2025 and the order reads as under:-

“Contends, inter alia, that co-accused, i.e. Geetu Rani, Santosh Kumar & others have been granted interim protection by this Court on 04.02.2025 and 20.02.2025 (P-5 & P-6 respectively).

Notice of motion.

Mr.Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of the respondent-State; seek time to have instructions and/or to file written response in the matter.

Posted for 24.03.2025.

To be heard alongwith CRM-6592-2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer; but he be not arrested till the next date of hearing. ”

7. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

8. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 28.02.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of BNSS [corresponding to Section 438 (2) Cr.P.C].

9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.



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10. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

11. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

07.04.2025

Rajeev (rvs)

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No