

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-15107-2025 (O&M)  
Date of decision: 21.04.2025

Raj Kishore Kumar  
.....Petitioner  
Versus  
State of Punjab  
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Dr. Sumati Jund, Advocate  
for the petitioner.  
Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.309 dated 09.10.2023 under Sections 323, 341, 148, 149, 186, 353, 506 and 325 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Dera Bassi, District SAS Nagar.

2. On 20.03.2025, the following order was passed:-

“XX XX XX XX  
Learned counsel for the petitioner, inter alia, contends that similarly situated co-accused, namely Chaman Saini @ Chaman Kumar, has already been granted the concession of anticipatory bail by this Court vide ordre dated 08.12.2023 passed in CRM-M-55426-2023. Further, offence under Section 353 of IPC is not attracted in view of the facts and circumstances of the case, as the complainant in the present case is not a public servant.

*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 submits that later on, Section 325 of IPC has been added in the FIR (supra).*

*Learned counsel for the petitioner undertakes to move an appropriate application for addition of Section 325 of IPC, which has been added later on.*

*Adjourned to 21.04.2025.*

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, 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 Cr.P.C.).*

*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.”*

3. Learned State counsel, on instructions from ASI Chamkaur Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 20.03.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).
5. The petition stands disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**21.04.2025**  
*yakub*

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