



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-16612-2024
Decided on: 18.03.2025

Sukhpreet SinghPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station
Sukhpreet Singh	20	22.02.2020	365, 307, 397, 34 IPC and Sections 25 and 27 of Arms Act (Sections 379-B, 392 IPC were added later on)	Chattiwind, District Amrtisar Rural

2. On 05.04.2024 following order was passed:-

“ Apprehending his arrest in FIR No.20 dated 22.02.2020, registered under Sections 365/307/397/34 IPC (Sections 379-B/392 IPC added later on) and Sections 25/27 of Arms Act at Police Station Chattiwind, District Amritsar Rural petitioner seeks pre-arrest bail.



Learned counsel for the petitioner inter alia submits that the petitioner is already before this Court in CRM-M-2299-2024 against the order dated 18.11.2021 whereby the petitioner was declared as Proclaimed offender. Pursuant thereto the petitioner appeared and stands relegated to the Court of Magistrate. Further submits that it is a matter of record that the complainant has resiled from his version.

Notice of motion.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.

To come up along with CRM-M No.2299 of 2024 on 25.07.2024, as prayed for.”

3. Learned counsel for the petitioner argued that since petitioner had gone to Qatar and also that he was not named as accused in the FIR, petitioner was completely unaware of the pendency of the proceedings against him. On coming back to India, he came to know about the pendency of the proceedings in pursuance to FIR No. 20 dated 22.02.2020 and thereupon by entertaining the present petition for anticipatory bail, petitioner was enabled to join the proceedings of investigation. Accordingly, in pursuance to the order dated 05.04.2024 (ibid) petitioner has already joined investigation, rather after completion of investigation qua him final report has also been submitted to the concerned Court on 10.02.2025.

4. On the other hand, learned State counsel submits that though the petitioner has joined the investigation but alleged recovery is yet to be effected from him.

5. By controverting the submission of learned State counsel, counsel for the petitioner submits that the objection of the State with

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regard to recovery is misconceived and is not within the purview of the Investigating Agency at this stage, as final report has already been submitted in the Court concerned.

6. Heard learned counsel for the parties.

7. Since the petitioner has joined the investigation in pursuance to the order dated 05.04.2024 and final report has already been submitted on 10.02.2025, petitioner cannot be subject to custodial interrogation and ad-interim bail order dated 05.04.2024, passed by this Court is hereby made absolute, thus, present petition is allowed.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

8. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 18, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**