



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

237

CRM-M-15434-2025 (O&M)
Date of decision: 21.04.2025

Karnail Singh
State of Punjab

Versus

....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.P.S. Ishar, Advocate
for the petitioner through video conferencing.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Armaan Gagneja, Advocate
and Mr. Piyush Sharma, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.06 dated 26.02.2025 under Sections 109, 125, 126(2), 324(4), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 109 of BNS was added later on) and Sections 25/27/54/59 of Arms Act, registered at Police Station Arif Ke, District Ferozepur.

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

“XX XX XX XX

Learned counsel for the petitioner, inter alia, contends that no injury has been attributed to the petitioner and only allegation against him is that he exhorted co-accused. It is a case of no injury and it would be a moot point to be determined by learned trial Court



whether the petitioner can be held liable for the offence punishable under Section 109 of BNS with the aid of Section 190 of BNS.

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. Piyush Sharma, Advocate appears on behalf of the complainant and files his Vakalatnama 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 counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are specific allegations against the petitioner.

Adjourned to 21.04.2025.

*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 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 the Code of Criminal Procedure, 1973).

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 assisted with learned counsel for the complainant and on instructions from ASI Ranjit 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