



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

238

CRM-M-15489-2025 (O&M)
Date of decision: 21.04.2025

Rajan Kumar @ Gaurav

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Laxman Choudhary, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Avtar Singh Bhatti, 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.24 dated 28.02.2025 under Sections 109, 285, 115(2), 118(1), 351, 324(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (*wrongly mentioned as Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023*), registered at Police Station Haryana, District Hoshiarpur.

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

“XX XX XX XX
Learned counsel for the petitioner, inter alia, contends that a dispute is going on between the petitioner and the complainant and his sons regarding partition of land. On an earlier occasion, FIR No.110 dated 07.08.2020 under Sections 323, 325, 506, 34 of the Indian Penal Code, 1860 was registered against the complainant and his family members, on the complaint made by uncle of the petitioner. It is further contended that there is a delay of 02 days in registration of the present FIR. All the



injuries suffered by the complainant and injured are on non-vital parts and are simple in nature. Further, necessary ingredients to invoke the provisions of Section 109 of BNS are clearly missing.

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. Avtar Singh Bhatti, 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 the petitioner, in a pre-planned manner, attacked the complainant and inflicted the injuries. As such, keeping in view conduct of the petitioner, he is not entitled to the relief of anticipatory bail.

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 by learned counsel for the complainant and on instructions from ASI Gurcharan 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