



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-15747-2025
Decided on:20.05.2025

Kundan Singh and another

Versus

State of Punjab

.....Petitioners

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Saurav Bhatia, Advocate for the petitioners.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioners, 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	District
1)Kundan Singh 2)Satnam Singh	08	02.02.2025	115(2)/304/324(6)/191(3)/190 of BNS	Rahon	District SBS Nagar

2. On 21.03.2025, following order was passed:-

“1. Prayer in the present petition under Section 482 BNSS, 2023, is for grant of anticipatory bail to the petitioner in case FIR No.08 dated 02.02.2025 under Sections 115(2), 304, 324(6), 191(3), 190 of BNS 2023, registered at Police Station Rahon, District SBS Nagar (Annexure P-1).

2. Counsel for the petitioners submits that in the cross-version case i.e. G.D. No.3 dated 06.02.2025, under Sections 115(2), 118, 148, 191(3), 151(2)(3) of BNS, 2023 & Sections 118(2) of BNS, 2023 (added later on), registered at Police Station Rahon, District SBS Nagar, order of ad-interim anticipatory bail has already been passed by this Court on 12.03.2025 passed in CRM-M-13623-2025 qua one of the accused therein, namely, Sukhjinder Singh. Counsel produced the copy of the said order and the same is taken on record.



After arguing the present petition on behalf of both the petitioners, he refers to the photographs appended with the petition wherein petitioner No.1 has suffered injury over the head. Thus, submits that it is a case of version and cross-version and custodial interrogation would not be warranted merely for the reason that in the present case, both the petitioners are involved for causing non-grievous injury to the accused in the cross-case.

Counsel further submits that petitioners are ready to join investigation and cooperate with the investigating agency.

3. *Notice of motion.*

4. *On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of respondent – State and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions, and, in case of necessity, to file status report.*

5. *Adjourned to 20.05.2025.*

6. *In the meanwhile, the petitioners – Kundan Singh and Satnam Singh, are directed to join the investigation as and when required to do so by the Investigating Agency. In the event of their arrest, the petitioners shall be released on ad-interim bail, subject to their furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioners shall also abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

7. *Besides, the petitioners would submit/surrender their passport before the Arresting Officer and an undertaking on oath that in case of leaving the Country, they would seek prior permission from the Investigating Agency/concerned Court.”*

3. Learned counsel for the petitioners submits that, in compliance of the order dated **21.03.2025** passed by this Court, the petitioners has duly joined the investigation and has extended full cooperation. It is further submitted that custodial interrogation of the petitioners is not warranted. In view of the petitioners cooperation and the nature of evidence involved, it is prayed that the interim protection granted earlier be confirmed and the petition for anticipatory bail be allowed.

4. On the other hand, learned State counsel on instruction, confirms the factum of joining of investigation by the petitioners on 15.04.2025 and submits that as of now, custodial interrogation of the



petitioners is not required. However, it is submitted that the petitioners be directed to rejoin the investigation as and when required by the Investigating Officer. It is further clarified that in the event of non-cooperation or failure to join the investigation when called upon, the petitioners shall not be entitled to claim the benefit of anticipatory bail.

5. After hearing learned counsel for the parties, and upon perusal of the allegations levelled in the FIR as well as the issues highlighted during the course of hearing, and taking into consideration the fact that the petitioners have joined the investigation and has extended full cooperation, and that custodial interrogation is not required as of now, this Court deems it appropriate to allow the present petition. Accordingly, the prayer for anticipatory bail is accepted. The interim order dated 21.03.2025 is hereby made absolute. The petition is, thus, allowed.

6. However, the petitioners shall continue to join the investigation as and when required by the Investigating Officer and shall abide by all the terms and conditions laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023).

It is further clarified that in the event the petitioners fails to join or rejoin the investigation despite service of due notice by the Investigating Officer, it shall be open to the prosecution to seek cancellation of the anticipatory bail.

Besides, it is directed that petitioners would hand over their passport to the Investigating Agency or to Court concerned, if they

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possess. Otherwise, would submit an affidavit, disclosing the fact that they do not possess any passport.

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

7. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

May 20, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**