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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16114-2025

Date of decision: 24.04.2025

Kamardeep Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Ajay Pal Singh Gill, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.0023 dated 19.02.2025 (Annexure P-1) under Sections 115(2)/333/3(5) of BNS (Section 117(2) of BNS added later on) registered at Police Station Sadar Shri Muktsar Sahib.

On 25.03.2025, the following order was passed:-

'Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.23 dated 19.02.2025 under Sections 115(2), 333, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 117(2) of BNS (added later on), registered at Police Station Sadar Shri Muktsar Sahib, District Shri Muktsar Sahib.

Learned counsel for the petitioner, inter alia, contends that there is a delay of 12 days in registration of FIR (supra), which clearly dents the case set up by the prosecution. Initially, FIR (supra) was registered under Section 115(2) of BNS, however, later on, Section 117(2) of BNS was added. Learned counsel for the petitioner refers to Medical Legal Report (Annexure P-3) of the complainant, wherein injury No.1 is shown to be fresh bleeding on distal phalnx of index finger of her left hand, which was declared grievous in nature. It is further contended that half portion of index finger of complainant's left hand is already missing, which is evident from the photographs from a marriage album of the year 2013. Further, on the same date i.e. 07.02.2025, the petitioner submitted a complaint through email to the jurisdictional police authorities, Shri Muktsar Sahib regarding the incident, clearly mentioning that the complainant and her family members attacked the petitioner, as discernible from Annexure P-4, but no action has been taken on the said complaint.

Learned counsel for the petitioner further contends that initially, the petitioner was granted interim relief by learned Additional Sessions Judge, Sri Muktsar Sahib on 24.02.2025 and was directed to join the investigation. Thereafter, the petitioner joined the



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investigation, however, vide order dated 10.03.2025, his application for anticipatory bail has been dismissed.

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. Sarbjit Singh Khaira, 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.

Adjourned to 24.04.2025.

*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.'

Learned State counsel on instructions from ASI Rajinder Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 25.03.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

24.04.2025

Neha

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