



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

239

CRM-M-16381-2025 (O&M)
Date of decision: 21.04.2025

Vishal @ Vishal Masih

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hitesh Chopra, Advocate
and Mr. Amit Kumar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. H.S. Rakhra, Advocate
and Mr. Guvinder Kaur, 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.05 dated 31.01.2025 under Sections 331(1)/305(a)/324(5)/351(3)/191(3)/190 of BNS registered at Police Station Gurdaspur, District Gurdaspur.

2. On 25.03.2025, the following order was passed:-

“XX XX XX XX

Learned counsel for the petitioner inter alia contends that similarly situated co-accused, namely, Romi alias Deewan Masih and others have been granted the concession of ad interim anticipatory bail by this Court vide order dated 20.03.2025 passed in CRM-M-14976-2025 titled as ‘Romi alias Deewan Masih and others Vs. State of Punjab.’ He further submits that there is delay of



42 hours in the registration of the FIR (supra) which creates a serious doubt on the case set up by the prosecution. Further, no injury has been attributed to the petitioner. Lastly, it is contended that particulars and description of stolen property have not been given and only bald allegations have been levelled just to aggravate the offence to make it non-bailable.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

In the meantime, keeping in view the 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, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 21.04.2025.



Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. ”

- 3. Learned State counsel assisted by learned counsel for the complainant and on instructions from ASI Bikram 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 25.03.2025 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