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

**CRM-M-17174-2025 (O&M)
Date of decision: 27.05.2025**

Shiv Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Shubhashish Kukreti, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab for the respondent.

Mr. Deepak Verma, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.007 dated 18.01.2025 (P-1) and DDR dated 19.01.2025 (P-2), under Sections 190, 191(3), 132, 221 read with Section 190 of the Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS'), registered at Police Station Garhshankar, District Hoshiapur.

(2) Allegations are that petitioner along with co-accused formed an unlawful assembly and in prosecution of their common object obstructed the *de facto*-complainant as well as police party from discharging their official duties.



(3) Contends that petitioner was granted interim protection by this Court, vide order dated 28.03.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(4) The above factual position is not disputed by learned State Counsel, on instructions from ASI-Rajesh Kumar and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Learned Counsel for the complainant has opposed the prayer of petitioner.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It transpires that petitioner was granted interim protection by this Court, vide order dated 28.03.2025 and the order reads as under:-

“ Contends, inter alia, that petitioner was neither named in the FIR; nor he was present at the place of alleged occurrence; rather nominated on the basis of supplementary statement dtd 19.01.2025 made by de facto-complainant.

Notice of motion.

Ms. Manjot Kaur, learned AAG, Punjab accepts notice on behalf of the respondent-State and seeks time to have instructions and/or to file written response in the matter.

Posted for 27.05.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer; but he be not arrested till the next date of hearing.”

(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.



(9) Although, learned Counsel for the complainant has opposed the prayer; but since learned State Counsel is not asking for the custodial interrogation of petitioner; hence, the objection raised on behalf of *de facto* complainant is hereby rejected.

(10) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 28.03.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(11) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(12) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(13) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

27.05.2025

Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No