



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

CRM-M-19385-2025
Date of decision: 07.05.2025

AMIT KUMAR

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Sanghi, Advocate and
 Mr. Pradeep Bhardwaj, Advocate
 for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
in FIR No.60 dated 04.03.2025 under Sections 110, 115, 190, 191(2), 191(3),
351(3) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Civil
Lines, Hisar, District Hisar

2. On 07.04.2025, 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.60 dated
04.03.2025 under Sections 110, 115, 190, 191(2), 191(3),
351(3) of the Bharatiya Nyaya Sanhita, 2023, registered at
Police Station Civil Lines, Hisar, District Hisar.*

*Learned counsel for the petitioner, inter alia,
contends that FIR (supra) has been registered after a delay
of 48 hours, which creates a serious dent on the case set up
by the prosecution. It is a case of version and cross-version
and both the sides suffered injuries. Admittedly, the*



complainant suffered simple injury and at his behest, the jurisdictional police authorities have manipulated the facts and aggravated the allegations in order to make it a non-bailable offence. Further, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 07 years and no notice under Section 35(3) of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] has been served upon the petitioner.

Notice of motion for 07.05.2025.

*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 Cr.P.C.).

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, on instructions from SI Bijender Singh, submits that in compliance of order dated 07.04.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 07.04.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)

5. The petition is accordingly disposed of.

6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

May 07, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |