

CRM-M-21098-2025
Date of decision: 23.05.2025

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

Present: Mr. Munish Bhardwaj, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.132 dated 04.04.2025 under Section 299 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station City Kharar, District SAS Nagar (Mohali).

“Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR No.132 dated 04.04.2025 under Section 299 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station City Kharar, District SAS Nagar (Mohali).

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case by the complainant, who is inimical towards him. Earlier also, the complainant got lodged two FIRs against the petitioner, in which for the last six years, he has not deposed as a witness and evidence of the prosecution has been closed by Court order. Further, the petitioner is a handicapped person to the extent of 60%. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is



punishable upto 03 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.

Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and Mr. Jagdeep Singh Bajwa, 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.

Learned counsel for the complainant opposes the prayer made by the petitioner seeking anticipatory bail on the ground that the petitioner hurt the religious sentiments by using intemperate and abusive language and he is involved in two more cases.

Adjourned to 23.05.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, 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 inter im 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 (for short '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.

*In view of the ratio of law laid down by Hon’ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and anr., 2020(1) RCR (Criminal) 831** and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and others, 2012(2) SCC 382**, the involvement of an accused in other criminal cases cannot be the sole ground to deny him the concession of bail.*

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 Paramjit Singh, submits that in compliance of order dated 24.04.2025 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 24.04.2025, 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 23, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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