



216

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

CRM-M-26767-2025

Date of decision: 16.07.2025

Avtar Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dheeraj Kumar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, 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.14 dated 22.03.2025 under Sections 115(2)/118(1)/126(2)/351(2)/3(5) of
BNS registered at Police Station Sadar Morinda, District Rupnagar, Punjab.

On 15.05.2025, the following order was passed:-

*'Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') [erstwhile Section
438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] seeking
anticipatory bail in FIR No.14 dated 22.03.2025 under
Sections 115(2), 118(1), 126(2), 351(2), 3(5) of the Bharatiya Nyaya
Sanhita, 2023, registered at Police Station Sadar Morinda, District
Rupnagar.*

*Learned counsel for the petitioner, inter alia, contends that
FIR (supra) was registered after a delay of 02 days from the date of
occurrence, which seriously dents the case set up by the prosecution.
As per Medical Legal Report (Annexure P-2), injury No.1 is caused
with blunt weapon, which falsifies the ocular version set up by the
complainant in the FIR (supra). In fact, a civil dispute is pending
between the parties. Further, the maximum sentence provided for the
offences, under which the FIR (supra) is registered, is punishable upto
03 years. The petitioner is having clean antecedents and he is not
involved in any other case.*

Notice of motion for 16.07.2025.

*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*



CRM-M-26767-2025

-2-

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. '

Learned State counsel on instructions from ASI Avtar Singh, at the very outset informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 15.05.2025 is hereby made absolute. The petitioners 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

16.07.2025

Neha

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