



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
221

CRM-M-27029-2025
Date of decision: 05.08.2025

Mukesh Kumar @ Honey
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Dhawal Bhandari, 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.42 dated 20.04.2025 registered under Sections 115(2), 118(1), 190, 191, 324(4), 126 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 118(2) of BNS added later on), at Police Station Kathgarh, District SBS Nagar.
2. On 03.07.2025, the following order was passed:-

“XX XX XX XX
Learned counsel for the petitioner inter alia contends that the alleged injury on the basis of which the offence under Section 118(2) of BNS, 2023 was added, has not been noticed in the medico legal report. After the constitution of the medical board, the complainant/injured was twice called, however, he failed to appear before the



medical board. Further, in spite of specific direction issued by this Court with regard to submission of medical opinion of the doctor in relation to the nature of injuries. The status report is completely silent on this aspect and the respondent State has not complied with the order passed by this Court and as such, the petitioner is entitled for anticipatory bail as all other offences are bailable in nature. Further, the petitioner is having clean antecedents and is not involved in any other case.

Adjourned to 05.08.2025.

*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**, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on 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.*

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.



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 Harjinder 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 03.07.2025 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

05.08.2025
yakub

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