



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

1) CRM-M-30615-2025
Date of decision: 29.07.2025

Joban Kumar Petitioner

Versus

State of Punjab ...Respondent

2) CRM-M-31022-2025

Sandeep Kumar Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.S. Manaise, Advocate
for the petitioner (in CRM-M-30615-2025).

Mr. Amandeep Chhabra, Advocate
for the petitioner (in CRM-M-31022-2025).

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

Both the above mentioned petitions have been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.41 dated 07.03.2023 under Sections 341/324/323/148/149 of IPC (Sections 326/307/365/325/120-B of IPC added later on) registered at Police Station Sadar Fazilka, District Fazilka.

On 29.05.2025, the following order was passed:-

'Both the aforementioned petitions have been preferred under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to petitioners Joban Kumar and Sandeep Kumar, in FIR No.41 dated 07.03.2023 under Sections 341, 324, 323, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 326, 307, 365, 325, 120-B of IPC were added later on), registered at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner(s), inter alia, contend that FIR (supra) was registered after a delay of 18 days, which creates a serious dent on the case set up by the prosecution. Further, the present FIR has been registered as a counter-blast to FIR No.171 dated 15.12.2023 under Sections 307, 323, 148, 149 of IPC, at Police Station City Fazilka, District Fazilka, on the statement of petitioner



Sandeep Kumar, in CRM-M-31022-2025, against the complainant. Furthermore, injury No.10 has been declared as simple in nature, which is attributed to two persons i.e. co-accused Inder and the petitioner. It is further contended that petitioner Sandeep Kumar, in CRM-M-31022-2025, is not attributed any specific injury and he is only alleged to have a lalkara. Moreover, similarly situated co-accused of the petitioners, namely Akashdeep Singh and Gourav Kumar @ Gora Dhall, have already been granted the concession of anticipatory bail by this Court vide separate orders of even date i.e. 27.05.2025 passed in CRM-M-28104-2025 and CRM-M-22828-2025, respectively.

Notice of motion for 29.07.2025.

*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 petitioners are 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 petitioners will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners will 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).*

If the Arresting Officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners 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.

Photocopy of this order be placed on the file of connected case.'

Learned State counsel on instructions from ASI Beant 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 29.05.2025 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.).

Both the petitions stand disposed of.

A photo copy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

29.07.2025

<i>Neha</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No