



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

213

CRM-M-32103-2025
Date of Decision: 02.07.2025

Shammadin and another

.....Petitioners

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Lovepreet Singh, Advocate
for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab assisted by
ASI Tirath Ram.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No. 70 dated 11.05.2025, under Sections 118 (1), 126(2), 109 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 118(2) of BNS added lateron), registered at Police Station Nakodar Sadar, District Jalandhar Rural.

2. Allegations are that petitioners along with co-accused inflicted several injuries on the person of *de facto* complainant-Mohd. Yunis with their respective weapons with an intention to kill him.



3. Contends that petitioners were granted interim bail by Coordinate Bench of this Court on 11.06.2025 and in pursuance thereof, they have already joined investigation; hence, their custodial interrogation is not required.

4. The above factual position is not disputed by learned State Counsel and on instructions from ASI-Tirath Ram submits that their custodial interrogation is not required at this stage.

5. Heard learned counsel for the parties and perused the paper-book.

6. It transpires that while issuing notice of motion, petitioners were granted interim protection by Coordinate Bench of this Court on 11.06.2025 and the order reads as under:-

“Apprehending his arrest in FIR No.70 dated 11.05.2025 registered for offences punishable under Sections 118(1), 126(2), 190 of BNS 2023 (Section 118(2) of BNS, 2023 added later on) at Police Station Nakodar Sadar, District Jalandhar Rural; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Counsel for the petitioners, inter alia, contends that even as per the prosecution case no specific injury has been attributed to the petitioners, the injury which has invoked Section 118 (2) of BNS, 2023 is attributed to co-accused & the petitioners are ready to join the investigation and cooperate therein.

Notice of motion.



On the strength of advance notice; Mr. Salil Sabhlok, Sr. DAG, Punjab has entered appearance on behalf of the respondent-State of Punjab.

Adjourned to 02.07.2025.

The petitioners are directed to appear before the Investigating Officer on 14.06.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.”

7. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioners have joined investigation and as on today, their custodial interrogation is not required.

8. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioners. Consequently, present petition is allowed; interim order dated 11.06.2025 is made absolute subject to the conditions as envisaged under Section 482(2) BNSS.

9. It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.



10. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

11. It is also clarified that in case of any recurrence on the part of petitioners, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

02.07.2025
Ithlesh

(MAHABIR SINGH SINDHU)
JUDGE

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