

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC.108184



(210)

CRM-M-36875-2025
Decided on : 18.08.2025

Avtar Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE SUMEET GOEL

Present: Mr. P.S. Bajwa, Advocate, for the petitioner (s)
(Through V.C.).

Mr. Jaypreet Singh, DAG, Punjab.

Mr. Vansh Malhotra, Advocate for the complainant.

Sumeet Goel (Oral):

1. Apprehending his arrest in FIR No.0078 dated 28.05.2025 registered for offences punishable under Sections 108 and 3(5) of BNS, 2023 at Police Station Lalru, District SAS Nagar (Mohali); the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

2. On 16.07.2025, the following order was passed:

“Instant petition is preferred under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR No.78 dated 28.05.2025 under Sections 108 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’), registered at Police Station Lalru, District SAS Nagar (Mohali).

Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR (supra). In fact, there was no dispute between the petitioner and the deceased. Further,

the ingredients of Section 108 of BNS are not made out and there is no evidence to remotely suggest that the petitioner has acted in a manner, which has any proximity with suicide of the deceased.

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. Vansh Malhotra, Advocate appears on behalf of the complainant and files Memorandum of Appearance 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 for grant of anticipatory bail on the ground that the petitioner has been nominated in the FIR (supra) as Fauji. As such, he is not entitled to anticipatory bail.

Adjourned to 18.08.2025.

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 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 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 the Code of Criminal Procedure, 1973).

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.”

3. Learned State counsel (on instructions from ASI Baljinder Singh) has submitted that the petitioner has joined investigation and is not required for further custodial interrogation.

4. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by arguing that allegations raised against the petitioner are direct and serious in nature and in case the petitioner is afforded the protection of interim anticipatory bail, there is all the likelihood that he may abscond from the process of justice as also intimidate the witnesses.

5. Keeping in view the factual milieu of the case in hand, especially the factum of the petitioner having joined investigation and cooperated therein and his custodial interrogation is not required, this Court is inclined to allow the instant petition and confirm the order dated 16.07.2025 granting interim anticipatory bail to the petitioner, subject to the conditions as enumerated under Section 482(2) of BNSS.

6. Ordered accordingly.

7. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.

9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
10. Pending application(s), if any, shall also stand disposed off.

August 18, 2025
Naveen

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No