

2025:PHHC:131111



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38029-2025

Date of decision: September 22, 2025

Abhishek Kumar

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Munish Puri, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

Mr. Gaurav Pathania, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the
Bhartiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of
anticipatory bail to the petitioner in case FIR No.0063 dated 22.05.2024,
under Sections 323, 324, 34 of the IPC, 1860 (Section 326 of IPC added
later on), registered at Police Station Sujanpur, District Pathankot.

2. On 21.07.2025, the following order was passed:

*“Apprehending his arrest in FIR No.0063 dated 22.05.2024
registered for offences punishable under Sections 323, 324, 34 of IPC
(Section 326 of IPC added later on) at Police Station Sujanpur, District
Pathankot; the petitioner has preferred this petition under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.*

*Inter alia contends that the petitioner has not been attributed any
grievous injury, the dispute/ fight was between real brothers which has
since been resolved, & the petitioner is willing to join investigation and
cooperate therein.*

Notice of motion.

*On the strength of advance notice; Mr. Gurpartap S. Bhullar, AAG
Punjab has entered appearance on behalf of the respondent-State of
Punjab, and Mr. Gaurav Pathania, Advocate has entered appearance,
through video-conferencing, on behalf of the complainant.*

Learned counsel for the complainant has ratified the aspect of the matter having been settled between the parties.

Adjourned to 20.08.2025.

The petitioner is directed to appear before the Investigating Officer on 28.07.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.”

2.1. Thereafter, on 11.09.2025, following order was passed:

“Learned counsel appearing for the petitioner has submitted that the petitioner was unable to join investigation earlier on account of a serious medical ailment.

In the interest of justice, interim order dated 21.07.2025 is restored. The petitioner is directed to appear before the concerned Investigating Officer in the concerned police station on 13.09.2025 at 11:00 AM and join investigation, in terms of the said order.

List on 22.09.2025. ”

3. Learned State counsel (on instructions) has stated that pursuant to the aforesaid order, the petitioner has joined investigation, and his custodial interrogation is not required.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that there are direct allegations against the petitioner, and in case, the petitioner is extended the concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice and interfere in the prosecution evidence.

5. Having heard learned counsel for the parties and upon perusal of the record, and in view of the stance of the State, the interim order dated 21.07.2025 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

6. Petition stands allowed, 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, 2023 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 of.

(SUMEET GOEL)
JUDGE

September 22, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No