



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
205

CRM-M-47752-2024 (O&M)
Date of decision: 17.02.2025

Gagan Kumar
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Bhandari, Advocate
for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.109 dated 17.06.2024 registered under Sections 323, 325, 452, 506, 427, 148, 149 IPC, at Police Station Division No.6, District Jalandhar.

2. On 17.01.2025, the following order was passed:-

“XX XX XX XX
Mr. Karan Bhandari, Advocate, has put in appearance on behalf of the petitioner and filed fresh Power of Attorney on behalf of the petitioner, which is taken on record.

Learned counsel for the petitioner inter alia contends that it is a case of version and cross-version and there is a delay of 02 days in registration of the FIR (supra), which creates a serious doubt on the case set up by the prosecution and except Section 452 IPC, all other offences are bailable and triable by the Court of



Magistrate and the petitioner is not involved in any other case.

Adjourned to 17.02.2025.

*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**, at the first instance, 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, on instructions from SI Bhushan Kumar, 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 17.01.2025 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

17.02.2025
yakub

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