



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-51883-2024

Date of decision: 04.02.2025

Gurmail Singh Thekedar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navraj Singh Mahal, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

None for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') in case FIR No.139 dated 26.07.2024 under Sections 109, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25 and 27 of the Arms Act, 1959 (Section 249(B) of the Bharatiya Nyaya Sanhita, 2023 added lateron) registered at Police Station Sadar Shri Muktsar Sahib, District Shri Muktsar Sahib.

2. On 25.10.2024, learned counsel for the petitioner had made the following submissions:-

“Learned counsel for the petitioner submits that a supplementary statement was made by injured Darbara Singh wherein he had not attributed firearm injury to the petitioner but had only alleged that he along with his son had done recce of the place of occurrence and provided the relevant information qua his presence in the fields to the co-accused.”



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3. Thereafter on 06.11.2024, while noticing the following submissions made by learned State counsel, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned State counsel, on instructions from ASI Ashok Kumar, has not disputed that the petitioner has not been attributed any injury on the person of the injured Darbara Singh, and that the petitioner was not present at the time of alleged occurrence, however, he has submitted that the petitioner had carried out a recce of the place of occurrence.

On further query, learned State counsel, on instructions, has not disputed that the petitioner has no previous criminal antecedents.”

4. Learned counsel for the petitioner submits that in compliance of order dated 06.11.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions from Inspector Malkeet Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 06.11.2024, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS.

04.02.2025

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(MANJARI NEHRU KAUL)
JUDGE

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