

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

(201-4)

CRM-M-49122-2025 (O&M)

Date of Decision: 30.10.2025

MOHD. IQBAL @ MEJAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Abdul Aziz, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

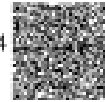
KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner, in case FIR No.88 dated 18.10.2024, registered under Sections 126(2), 115(2), 191(3) and 190 of BNS (Sections 74 and 304 of BNS added later on), at Police Station Sadar Ahmedgarh, District Malerkotla.

2. Vide order dated 03.09.2025, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

“Apprehending arrest the petitioner has filed this petition under Section 482 of BNSS for grant of anticipatory bail in case FIR No. 88 dated 18.10.2024, under Sections 126(2), 115(2), 191(3) and 190 of BNS (Sections 74 and 304 of BNS added later on), registered at Police Station Sadar Ahmedgarh, District Malerkotla.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated on the basis of statement of the complainant. The petitioner and the complainant are residents of the same area and hence, known to each other. It is further submitted that FIR in the instant case was lodged after an inexplicable delay of around 26 hours, creating room for possibility of material improvements in the version of the complainant. The only allegation against the petitioner is that he gave a stick blow on the back of the complainant. It is further submitted that a similarly situated co-accused has already been granted the concession of anticipatory bail vide order dated 14.7.2025 passed by this Court in CRM-M-28202-2025 titled as Saleem @ Mohd. Saleem Vs. State of



Punjab. Further, vide order dated 06.8.2025, passed by this Court in CRM-M-30401-2025, four similarly situated co-accused have been granted interim bail by this Court. Learned counsel submits that the petitioner is ready to join investigation and cooperate.

Notice of motion.

Ms. Guramrit Kaur, DAG, Punjab waives service of notice on behalf of the respondent-State and opposes the present petition.

Heard.

One of the main pillars of jurisprudence on which the criminal justice system is based, is the presumption of innocence until proven guilty. If seen in that context, the provision of anticipatory bail, in its essence, can be understood as a safeguard to prevent the curtailment of liberty of an individual, a cherished constitutional guarantee, in circumstances where arrest may be unwarranted, arbitrary, or mala fide. This discretionary power, trite to say, must be exercised judiciously, based on considerations, which include but are not limited to, the nature and gravity of the allegations, the antecedents of the accused, the possibility of the fleeing from justice, and the likelihood of the evidence being tampered with and witnesses being influenced.

Reverting to the case in hand, there is an unexplained delay of 26 hours in lodging the present FIR. Moreover, a similarly situated co-accused has already been granted the concession of anticipatory bail vide order dated 14.7.2025 passed by this Court in CRM-M-28202-2025 and four other similarly situated co-accused have also been granted interim bail by this Court vide order dated 06.8.2025, passed in CRM-M-30401-2025. All the contentions made qua the involvement of the petitioner are disputed questions of facts, veracity of which shall be determined during the course of trial.

In view of the above, the petitioner is directed to join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023:-

(1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the case so as to dissuade him from disclosing such facts to Court or to any police officer.

(3) That the petitioner shall not leave India without prior permission of the Court.

Needless to mention that the investigating agency/officer shall continue with the investigation of the case in usual manner.

Adjourned to 30.10.2025.

To be heard along with CRM-M-30401-2025.”

3. Learned State counsel on instructions from ASI Harjinder Singh, submits that in compliance of order dated 03.09.2025, the petitioner has joined the investigation on 09.10.2025 and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 03.09.2025 passed by this Court, is hereby made

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) 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.
6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).
7. The accused-petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.
8. The accused-petitioner(s) shall not leave India without prior permission of the Court.
9. The accused-petitioner(s) shall join the investigation as and when called by the police.
10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

October 30, 2025
Ithlesh

ITHLESH KUMAR
2025.10.30 16:46
I attest to the accuracy and
integrity of this order/judgment

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