



CRM-M-50112-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221/2

CRM-M-50112-2025
Decided on: 26.11.2025

Shiva

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Neha Randhawa, Advocate for
Mr. Rythem Bajaj, Advocate
for the petitioner.

Mr. Bareen Pratap Singh, AAG Punjab

SANJAY VASHISTH, J. (ORAL)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of FIR No.85 dated 16.06.2025, under Sections 305, 115(2), 126(2), 324(2), 191(3), 190 of BNS at PS City 2 Abohar, District Fazilka.

2. On 08.09.2025, following order was passed:

“(i) Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Shiva, aged about 26 years	85	16.06.2025	305, 115(2), 126(2), 324(2) 191(3), 190 of BNS	City 2 Abohar	Fazilka



(ii) *Learned counsel for the petitioner submits that according to MLR dated 15.06.2025, injured/complainant – Sunny Phutela, has sustained two injuries, both of which are blunt and simple. Similarly situated co accused of the petitioner, namely; Bintu, was alleged to have been armed with danda, and no specific injury to complainant has been mentioned in the FIR. The only difference is that petitioner – Shiva attributed one injury with Kappa on left arm of the injured/complainant, which is found blunt and opined simple in nature.*

Further submits that almost similarly situated co-accused ‘Bintu’ has already been granted concession of ad-interim bail by this Court vide order dated 03.09.2025, passed in CRM-M-49113-2025, titled as, “Bintu v. State of Punjab” (Annexure P-4). Thus, petitioner’s counsel submits that petitioner is also ready to join investigation and fully cooperate with the investigating agency, if protected from arrest.

(iii) *Notice of motion.*

(iv) *On advance notice, learned State counsel puts in appearance on behalf of the respondent – State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report.*

(v) *Adjourned to 26.11.2025.*

(vi) *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

(vii) *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.*

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

To be heard along with CRM-M-49113-2025. ”

3. Continuing his submissions, learned counsel for the petitioner contends that in compliance to the order dated 08.09.2025 passed by this Court, petitioner has joined the investigation on 25.10.2025.



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4. Learned State counsel on instructions, confirms the said averment made by counsel for the petitioner of joining the investigation on 25.10.2025 by the petitioner, and submits that as of now, custodial interrogation of the petitioner is not required for the purpose of investigation.

5. Heard learned counsel for the parties.

6. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 08.09.2025 passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

7. The petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

8. However, present order would be subject to the submission of his passport to the Investigating Agency or to Court concerned, if he possesses, within a period of one week from today. Otherwise, he/she would submit an affidavit, disclosing the fact that he does not possess any part.

9. It is clarified that in case, aforesaid condition is not complied with, this order would be considered as *non est* automatically.

(SANJAY VASHISTH)
JUDGE

26.11.2025

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Whether Speaking/Reasoned:

Whether Reportable:

YES/NO

~~YES~~/NO