

CRM-M-54544-2024
Date of decision: 13.02.2025

....Petitioners

Versus

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Mandeep Singh, Sr. Advocate with
Mr. Abhishek Thakur, Mr. Navdeep Singh, Advocates
for the petitioners.

Mr. Rajinder Singh Bhatta, DAG Punjab.

Mr. B.S. Jaswal, Advocate for the complainant.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the petitioners seek anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
171	11.09.2024	323, 325, 452, 148 and 149 IPC (Sections 324 and 326 IPC added later on).	Beas, District Amritsar (Rural)

2. Learned Senior counsel for the petitioners submit that in compliance to the order dated 28.01.2025, the petitioners have joined the investigation.



3. During the course of hearing on 28.01.2025, following order had been passed: -

“ *Heard.*

Learned Senior counsel for the petitioners submits that petitioners No.2 to 5 have already joined the investigation in compliance to order dated 18.11.2024.

He further contended that petitioner No.1 has no concern whatsoever with the alleged occurrence and has been falsely implicated in this case. He submits that there is an unexplained delay in filing the complaint to the police on the basis of which the instant FIR (Annexure P-1) was registered and on perusal thereof, it transpires that no specific overt act is attributed to petitioner No.1 regarding the alleged occurrence dated 02.04.2023. He has further contended that the name of petitioner No.1 figured only in the supplementary statement of complainant dated 13.09.2024, which is nothing but a result of an afterthought.

Learned counsel representing the complainant has submitted that the complaint was moved to the Senior Superintendent of Police, Amritsar Rural and in the subject of the complaint, the name of the petitioner was mentioned and has clarified that in the supplementary statement dated 13.09.2024, specific role was attributed to the petitioner No.1 qua the present offence.

Learned State counsel while referring to the status report submitted by the State has contended that petitioner No.1 does not deserve the concession of anticipatory bail.

After considering the rival contentions and perusing the aforesaid facts and circumstances, it is deemed appropriate that petitioner No.1 should join the investigation first, before deciding the petition on merits. Accordingly, without commenting on the merits of the case, the petitioner No.1 is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner No.1, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) BNSS.

List on 13.02.2025.



Investigating Officer of the case is directed to remain present in Court on the next date of hearing along with record.

Interim order qua petitioners No.2 to 5 to continue till the next date of hearing.”

4. Learned State counsel on instructions received from S.I. Sardool Singh informs the Court that the petitioners have joined the investigation and are neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners have joined the investigation consequent to the order dated 28.01.2025 passed by this Court, interim bail granted vide order dated 28.01.2025 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of BNSS. Further the petitioners are directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

13.02.2025
puneet

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No