



CRM-M-56905-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-56905-2024
Decided on : 07.01.2025

Lakhwinder Singh alias Lucky

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Suman Rani, Advocate for
Mr. J.K. Singla, Advocate for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

Mr. Kushkaran Kumar, Advocate for the complainant.

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Section 118(1), 126(2), 115(2), 351(3), 191(3), 190 of Bharatiya Nyaya Sanhita (Section 109 of BNS was added later on vide G.D. No.20 of 26.10.2024), in a case arising out of FIR No. 122, dated 17.10.2024, registered at Police Station City Rampura, District Bathinda.

2. On 14.11.2024, the following order was passed by this Court:

“1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., the petitioner seeks the concession of anticipatory bail, in case FIR No.122 dated 17.10.2024, under Sections 118(1), 126(2), 115(2), 351(3), 191(3), 190 of the

B.N.S. (Act No.45 of 2023) (Section 109 of the B.N.S. added subsequently), registered at P.S.City Rampura, Distt. Bathinda.

2. The learned counsel for the petitioner inter alia submits that, although the injury(ies) attributed to the petitioner is “sharp”, however, it has been declared “simple in nature”. He also submits that, the petitioner has clean antecedents and he is ready and willing to join the investigation and to cooperate with the investigating officer.

3. Notice of motion for 17.12.2024.

4. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

5. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.”

3. Learned State counsel has filed the status report by way of affidavit of Pardeep Singh, PPS, Deputy Superintendent of Police, Sub-Division Phul, District Bathinda on behalf of respondent/State in the Court today. The same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

4. Learned State counsel submits that although the petitioner has joined the investigation under the direction of this Court, but there is no co-operation as the recovery of the weapon is to be effected and the names of other co-accused are yet to disclosed by the petitioner.

5. Learned counsel appearing on behalf of the complainant submits that the persons from the accused party have been creating an atmosphere of

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terror and the video recording in regard to the incident has been published on some social media platforms.

6. Learned counsel appearing on behalf of the petitioner submits that the petitioner has no role in any activity as alleged by the complainant and involvement of the petitioner as an accused in the case is false, therefore, there is no question of forcible recovery of any weapon from the petitioner.

7. Learned counsel for the petitioner further submits that the second contention of the State counsel in regard to disclosure of the names of other co-accused by the petitioner, carries no weight at this stage, as the main accused namely, Lovepreet Singh @ Lovi was arrested and admittedly he was taken on police remand. He further submits that it is expected from every police officer that the proper investigation in regard to the complete facts alongwith disclosure of the names of other co-accused is to be revealed out from the main accused. On such a premise, the liberty of the person (petitioner in the present case) cannot be curtailed. Moreover, the petitioner has already joined investigation and would continue to do so on being asked by the concerned Investigating officer from time to time till the presentation of the final report before the trial Court.

8. Considering the submissions of learned counsel for the parties and totality of facts and circumstances detailed in the present petition, and also the fact that the petitioner has already joined the investigation, this Court deems it appropriate to allow the present petition. Accordingly, the ad-interim order dated 14.11.2024 is made absolute

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

10. It would be open for the complainant or the State of Punjab/prosecution to move an appropriate application seeking cancellation of bail in the present case with the material supporting thereon, if the concession is misused in any manner by the petitioner.

11. Petition is disposed of.

(SANJAY VASHISTH)
JUDGE

January 07, 2025

Rashmi

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No