



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

**CRM-M-58902-2024 (O&M)
Date of decision: 08.01.2025**

Santosh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gurinder Singh Dhot, Mr. G.S.Ghuman &
Mr. Gurvinder Singh Mehra, Advocates for the petitioner.

Mr. Kuljit Singh, Addl. A.G., Punjab for the respondent
assisted by ASI Balvir Singh.

Mr. Naveen Sharma, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of pre-arrest bail to the petitioner in FIR No.181 dated 21.08.2024 (P-1), under Sections 329(3), 62, 303(3), 351 (2), 191(3) read with Section 190 of the BNSS, registered at Police Station Division No.6, District Ludhiana.

(2) Above FIR was registered by complainant-Jatinder Jenny with the allegations that petitioner, along with co-accused, in prosecution of their common object, while forming an unlawful assembly, trespassed in his property with deadly weapons and committed theft of tin sheets.

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(3) Learned Counsel contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 26.11.2024 and in pursuance thereof, he has already joined the investigation; hence, custodial interrogation of the petitioner is not required.

(4) Learned State Counsel, on instructions from ASI Balvir Singh, acknowledged the above factual position and submits that custodial interrogation of the petitioner is not required at this stage. Learned State Counsel has also filed reply by way of an affidavit dated 16.12.2024 of Sh. Satwinder Singh Virk, Assistant Commissioner of Police, Industrial Area-B, Ludhiana. The same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.

(5) *Per contra*, learned Counsel for the complainant vehemently opposed the prayer and submits that prayer of the petitioner deserves to be rejected on the premise that he has not complied with the conditions imposed by the Coordinate Bench while passing the order dated 26.11.2024.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It is not in dispute that petitioner was granted interim bail by the Coordinate Bench, vide order dated 26.11.2024 and the order reads as under:-

“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.181 dated 21.08.2024, under Section 329(3), 62, 303(3), 351(2), 191(3), 190 of the B.N.S., registered at P.S. Division No.06, District Ludhiana.

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2. *The learned counsel for the petitioner inter alia submits that, since the petitioner's co-accused Maninder Singh, Kamaljeet Singh and Baljeet Singh have already been granted the relief of interim bail by this Court, as is evident from the orders respectively embodied in Annexure P3 and P4, therefore, the petitioner, who is on a co-equal pedestal as his co-accused (supra), also deserves an alike relief. He also submits that, the petitioner is ready to give an undertaking before this Court that, he will not take possession of the plot in dispute, without taking legal recourse.*

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. *Interim order in the same terms as passed in CRM-M-56929- 2024.*

6. *To be heard with CRM-M-56929-2024."*

(8) It is also not in dispute that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

(9) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 26.11.2024 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(11) Needless to say that if complainant wishes to assist the Investigating Officer, he would be at liberty to supply the relevant documents, which are in his possession.

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(12) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(13) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

8th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No