

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

CRM-M-61305-2024
Date of decision: 08.01.2025

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Paul, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab with
Mr. S.S. Goripuria, DAG, Punjab.

Mr. Shiv Kumar Sharma, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in
case bearing FIR No.88 dated 03.07.2021 (Annexure P-1) under Sections
302/120-B of IPC registered at Police Station Nurpur Bedi District Rupnagar,
whereby, the petitioners have been summoned under Section 319 of Cr.P.C. to
face the trial along with other co-accused.

Learned counsel for the petitioners *inter alia* contends that the petitioners have been summoned as an additional accused by the learned trial Court by invoking the power under Section 358 of BNSS (earlier Section 319 of Cr.P.C.). During the investigation, both the petitioners were found to be innocent and they have been placed in column No.2 in final report under Section 193 of BNSS (earlier Section 173 Cr.P.C.) and the charges were framed against the co-accused on 18.07.2023 and thereafter, the complainant, namely, Jaswinder Singh was examined as PW-1 and the prosecution moved an

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application under Section 358 of BNSS (earlier Section 319 of Cr.P.C.) to summon the petitioners as an additional accused. The said application was allowed on 07.11.2024 and the petitioners have been entangled in this case only for the reason that they are the close relative being brother-in-law and sister-in-law of the deceased. It is further submitted that petitioner No.2 is working in Indian Army since the year 2008 and he remained posted at far off areas. Further, investigation in the present case is complete and the petitioners are not required for the purpose of investigation and interrogation and the presence of the petitioners is required only at the time of trial and petitioners are ready to surrender before the learned trial Court and undertake to appear before the learned trial Court on each and every date. He further relies upon the judgments of this Court passed in 'Baljinder Singh Vs. State of Punjab' 2015 (3) R.C.R. (Criminal) 950; 'Balwinder Singh @ Doctor and another Vs. State of Punjab' 2019 (3) R.C.R. (Criminal) 797; 'Sahil Kumar Vs. State of Punjab' 2018 (2) Law Herald 1234 and 'Rajan Kumar Vs. State of Punjab' 2017 (3) Law Herald 2753.

The learned State counsel assisted by learned counsel for the complainant, could not controvert the fact that the investigating agency has exonerated the petitioners during the investigation and they have been declared innocent and now the petitioners have been summoned as an additional accused before the learned trial Court and they are not required for the purpose of investigation.

Having heard learned counsel for the parties, this Court is of the considered opinion that the additional accused who have been summoned under Section 358 of BNSS (earlier Section 319 of Cr.P.C.) are not required for the

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purpose of investigation and they intend to surrender and join the proceedings before the learned trial Court, as such, additional accused do not intend to defy law and ready to face trial and their plea for anticipatory bail can be considered.

Accordingly, the present petition is allowed and the petitioners are directed to surrender before the learned trial Court within a period of two weeks from the date of receipt of certified copy of this order. In case, the petitioners surrender before the learned trial Court within the stipulated time period, they shall be released on bail on furnishing bail bonds/surety bonds to its satisfaction.

(HARPREET SINGH BRAR)
JUDGE

08.01.2025*Neha*

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