



205 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-61586-2024 (O&M)
Date of Decision: 11.02.2025

LUCKY KUMAR

...Petitioner

V/S

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manoj Pundir, Advocate and
Mr. Randeep Singh, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking anticipatory bail to the petitioner in a case bearing FIR No.98 dated 27.06.2024 under Sections 323/324/506 of IPC (Section 326 IPC added later on) registered at Police Station Shahzadpur, District Ambala, Haryana (Annexure P-1).

2. On 10.01.2025, following order was passed:

“The present petition has been filed under Section 482 Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking anticipatory bail to the petitioner in a case bearing FIR No.98 dated 27.06.2024 under Sections 323/324/506 of IPC (Section 326 IPC added later on) registered at Police Station Shahzadpur, District Ambala, Haryana (Annexure P-1).

Learned counsel for the petitioner inter alia contends that initially, the FIR (supra) was registered under the offences which were bailable in nature and the petitioner was on bail and thereafter, offence under Section 326 IPC was added. Learned counsel further contends that the petitioner is not named in the FIR (supra) and no specific allegation has been levelled against him. Learned counsel submits that the petitioner has been nominated only on the basis of disclosure statement made by co-accused and he is 24 years of age and is not involved in any other case.

Adjourned to 11.02.2025.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) BNSS.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law."

3. Learned State counsel on instructions from ASI Mukesh Kumar, submits that in compliance of order dated 10.01.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 10.01.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.



5. The petition is accordingly disposed of.

11.02.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>