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

CRM-M-63136-2024**Date of Decision: 09.01.2025**

Ugarsen Budania

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Subhash Kumar, Advocate, for the petitioner.
Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. On the oral request made by learned counsel for the petitioner, the offence under Section 3(5) of BNS is ordered to be added in the headnote as well as prayer clause of the main petition. Learned counsel for the petitioner is directed to carry out the necessary correction in the Court itself.

2. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.86 dated 24.10.2024, registered under Sections 111, 318(4) and 3(5) of BNS, at Police Station Cantt. Bathinda.

3. Learned counsel for the petitioner contends that the allegations levelled by the complainant in the present case are vague and unbelievable. Even no victim had come forward to get a case registered against the present petitioner. He further contends that the petitioner was arrested in the present case on 24.10.2024 and was granted the concession of regular bail on 11.11.2024 (Annexure P-2) by the Court of Additional Chief Judicial Magistrate, Bathinda. However, the bail was cancelled on the ground that the

Court, which had granted the concession of bail, was not competent to entertain the bail application. However, he submits that in the present case, Section 111 of BNS has already been deleted during the course of investigation and the bail was rightly granted by the trial Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that Section 111 of BNS has been deleted by the police during the course of investigation.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner is being prosecuted only under Section 318(4) of BNS. The petitioner remained in custody from 24.10.2024 to 11.11.2024 and was granted the concession of bail by the learned Magistrate. Still further, the petitioner had remained in custody for more than 02 weeks and his remand was taken. Thus, the custodial interrogation will not required, at this stage.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of BNSS.

09.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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