

-1-

CRM-M-65332-2024
Date of decision: 30.01.2025

...PETITIONER

VERSUS

...RESPONDENT

ANOOP CHITKARA, J. (ORAL)

Petition for anticipatory bail under Section 482 of BNSS			
FIR No.	Dated	Police Station	Sections
134	29.10.2024	Khalchain, District Amritsar	324(4), 118(1), 115(1), 351, 125, 190, 191(3) and 118(2) added later on vide DDR No.23 dated 12.11.2024 of BNS, 2023 and Sections 25, 54, 59 of the Arms Act, 1959

The petitioner apprehending arrest in the FIR captioned above had come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, (BNSS).

2. Petitioner's counsel submits that vide order dated 09.01.2025, the petitioner was granted interim bail, but he could not join investigation on 13.01.2025. However, the petitioner had joined the investigation on 25.01.2025. The reason for non-joining the investigation is beyond the petitioner's control and it did not cause any prejudice to the investigation. He further submits that the interim bail may be made absolute and he would have no objection to any further condition whatsoever this Court may imposed upon the petitioner.

3. State counsel opposes the bail and submits that they need custodial interrogation of the petitioner for the reasons that sword was used to cause injury.

Renu Bala
2025.02.01 15:45
I attest to the accuracy and
integrity of this document

In the peculiar facts and circumstances of the case, considering the fact



CRM-M-65332-2024

-2-

that the petitioner is a first offender, the present petition is allowed. Interim order dated 09.01.2025 is made absolute, subject to the following conditions:

1. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (CrL.) 458; and Aparna Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.
2. Given the background of allegations against the petitioners, it becomes paramount to protect the victim, and their family members, as well as the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioners shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

30.01.2025

renubala

(ANOOP CHITKARA)
JUDGE

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