



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M No.65533 OF 2024
Date of decision: 28.02.2025

DEEPAK KUAMR @ RAJU COUNCILOR Petitioner

Versus

STATE OF PUNJAB Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Vinod K. Kaushal, Advocates for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.215 dated 08.11.2024 registered under Sections 262, 263, 221, 132, 61(2) of BNS, 2023, registered at Police Station Civil Lines, Amritsar, Police Commissionerate.

2. Vide order dated 26.12.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 26.12.2024, passed by this Court, reads as under:

“By way of the instant petition, the petitioner has sought the relief of anticipatory/pre-arrest bail in the criminal case arisen out of FIR No.215 dated 08.11.2024 as registered at Police Station Civil Lines, Amritsar, Police Commissionerate, Amritsar, under Sections 262, 263, 221, 132 and 61(2) of Bharatiya Nayay Sanhita, 2023.

**CRM-M No.65533 OF 2024**

-2-

Learned counsel appearing for the petitioner, inter-alia, contends that the petitioner has been got falsely implicated in the criminal case under reference whereas in fact, he had no role to play in the alleged commission of the offence and was not even present at the spot at the relevant time and moreover, vide order dated 19.12.2024 as passed by the Co-ordinate Bench in CRM-M No.64369 of 2024 (Annexure P-6), the arrest of his co-accused Sandip Kumar Sharma @ Rinka has already been stayed subject to his joining the investigation and the petitioner is ready and willing to join in the investigation as and when required by the Investigating Agency and is also not involved in any other criminal case of the similar nature.

Notice of motion.

Mr. Adhiraj Singh, learned Assistant Advocate General, Punjab, who has put in appearance in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions qua the instant case from the quarter concerned and if deemed necessary, then to file the status-report also.

*Adjourned to 28.02.2025 for being heard along-with the aforereferred connected matter, i.e **CRM-M No.64369 of 2024.***

Meanwhile, the petitioner shall join in the investigation on 31.12.2024 at 10:00 AM sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on

**CRM-M No.65533 OF 2024**

-3-

interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and he shall also strictly abide by all the conditions as laid down in Section 482(2) BNSS. ”

3. Status report dated 18.02.2025 has already be filed on behalf of respondent-State.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 30.12.2024 but he did not cooperate with the Investigating Officer and did not disclose the identity of other unidentified co-accused and therefore, it is urged that his custodial interrogation is required for thorough investigation.

5. This Court cannot treat the behavior attributed to the petitioner to be instance of non-cooperation, justifying denial for pre-arrest bail since, an accused, while joining investigation, is not expected to make self incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. So far as, denial to disclose the identity of other co-accused is concerned, that cannot be considered as ground for denial of bail to the petitioner. In the considered opinion of this Court, the pre trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 26.12.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

28.02.2025**Jyoti-IV**

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