



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M No.65631 of 2024
Date of decision: 10.02.2025

Sukhpreet Singh @ Sukhi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gagandeep Singh Gill, Advocate
and Mr. Bhupender Beniwal, Advocate
for Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.242 dated 12.12.2024 registered under Sections 109, 132, 221, 190, 191(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act, 1959, at Police Station City Budhlada, District Mansa.

2. On 08.01.2025, the following order was passed:-

“XX XX XX XX

Learned counsel for the petitioner, inter alia, contends that FIR (supra) has been registered on the complaint made by ASI Pal Singh and perusal of the same indicates that the prosecution has set up a case, which is too far-fetched and implausible and prima facie, no offence under Section 109 of BNS is made out, as the incident took place at about 02.30 p.m. and admittedly, no one was

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injured.

Notice of motion for 10.02.2025.

Keeping in view the ratio of 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, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 438(2) of Cr.P.C. (now Section 482(2) of BNSS).

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

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law."

3. Learned State counsel, on instructions from ASI Swaran Kaur, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

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4. In view of the statement of learned State counsel, order dated 08.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).
5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

10.02.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No