

2025:PHHC:105985



108

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-44301-2025  
DECIDED ON: 18.08.2025

RAHUL KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Navneet Kaur, Advocate  
for the petitioner.

**SANDEEP MOUDGIL, J (ORAL)**

**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.73 dated 11.07.2025 under Sections 132, 221, 351(2), 296 of BNS, 2023 (Section 238 BNS added later on), registered at Police Station Kotwali Nabha, District Patiala (Annexure P-1).

**2 Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and points to an unexplained delay of over 21 hours in the registration of the FIR. He further submits that there is neither any direct nor indirect incriminating evidence available with the prosecution to

establish the petitioner's involvement in the alleged offence. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation. The attention of this Court has been brought to an order dated 31.07.2025 passed in CRM-M-40752-2025 (Annexure P-3) vide which similarly situated co-accused Rakesh Kumar @ Raji has been granted the concession of anticipatory bail.

Notice of motion.

**On behalf of the State/complainant**

On the asking of Court, Mr. Jasjit Singh Rattu, DAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition on the ground that the petitioner alongwith co-accused persons assaulted PHG Narinder Singh and used criminal force to deter him from discharging official duty.

3. **Analysis**

Be that as it may, having given due consideration to the submissions advanced, particularly to the fact that there is unexplained delay of 21 hours in lodging the instant FIR and no criminal material is coming forth by the prosecution to connect the petitioner with the alleged commissioning of offence added with the fact that similarly situated co-accused Rakesh Kumar @ Raji has been granted the concession of anticipatory bail vide order dated 31.07.2025 passed in CRM-M-40752-2025 (Annexure P-3), custodial interrogation of the petitioner is not warranted.

In the light of above, this Court is of the considered view that though the offence alleged is of serious nature, but there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

4. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

*'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*

*(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*

*(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*

*(iii) a condition that the person shall not leave India without the previous permission of the Court;*

*(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**18.08.2025**

*Meenu*

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No