

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:072510



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CRM-M-23425-2025
Date of decision:27.05.2025

Deepak Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Japjit Singh Johal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.71 dated 18.04.2025, registered under Sections 110, 126(2), 115(2), 351(2), 3(5) of of Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar Hoshiarpur, District Hoshiarpur.

2. Vide order dated 01.05.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation.

Order dated 01.05.2025, passed by this Court, reads as under:

“Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short BNSS’), the petitioner seeks grant of anticipatory bail in case arising out of FIR No.71 dated 18.04.2025, registered under Sections 110, 126(2), 115(2), 351(2), 3(5) of of Bharatiya Nyaya Sanhita, 2023 at Police

Station Sadar Hoshiarpur, District Hoshiarpur.

As per the allegations, on 11.04.2025, the complainant Wikalp Vats was taking walk in his colony when the accused Sham Lal who resided in his neighborhood met him and started calling bad names. He manhandled with the complainant due to which gold neck chain of the complainant fell on the ground. The complainant picked it up and put it in his pocket. They were separated with the intervention of the other persons. However, after some time, accused Sham Lal along with his son Amit and son-in-law Deepak Kumar i.e. the present petitioner reached there. Deepak raised lalkara by saying that the complainant should not be left safe and thereafter accused Amit and Sham Lal opened an assault upon the complainant and caused injuries to him by giving blows with datar. The rescue alarm raised by the complainant attracted other persons and then the assailants fled from the spot. He was taken to the hospital and was treated. On the basis of his statement, FIR has been registered, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Hoshiarpur but the same had been dismissed, vide order dated 25.04.2025.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is unexplained delay in lodging of FIR. No injury has been attributed to him. In fact, an altercation had been taken place between the co-accused Sham Lal and complainant party on 11.04.2025. The members of complainant's party had trespassed into the house of Sham Lal and had misbehaved with the females of the house and had

assaulted them. The household articles were damaged. The matter was reported to the police. The FIR of this case is a counterblast to the same. The petitioner is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. It is, therefore, urged that the petition deserves to be allowed.

Notice of motion.

Learned Senior Deputy Advocate General, Punjab who has advance notice of the petition seeks time to argue the case.

Memorandum of Appearance has been filed on behalf of the complainant. Learned counsel seeks some time to address the arguments, reply, if any as well as for filing vakalatnama on his behalf.

Adjourned to 27.05.2025.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS, 2023.

It would, however, be open to the learned Senior Deputy Advocate General, Punjab to file a reply indicating the involvement of the petitioner and all aspects would be considered at the time of final adjudication of the matter.”

3. Short reply by way of affidavit filed by learned State counsel is taken on record. He, on instructions from the Investigating Officer, has

submitted that that the petitioner has joined investigation on 04.05.2025 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 01.05.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogous to Section 438(2) of the Code of Criminal Procedure).

27.05.2025

harjeet

(MANISHA BATRA)
JUDGE

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