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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5005-2025

Date of Decision: 02.04.2025

BALWINDER SINGH

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: None for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. In the instant petition, on 31.01.2025, following order was passed:-

"1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Balwinder Singh	57	16.08.2024	331(4), 305 of BNS	Ajitwal	Moga

2. Learned counsel for the petitioner, inter alia, contends that the prime allegation against the accused is that they have stolen the tractor/trolley, which has already been recovered from the possession of the co-accused namely Gurpreet Singh. Therefore, custodial interrogation of the petitioner is not going to serve any useful purpose to the prosecution agency.

3. By referring to the order dated 28.08.2024, counsel for the petitioner submits that looking at the allegations which are there in the case against the petitioner, learned Court of Additional Sessions Judge had granted interim anticipatory bail to him, but subsequently, same was cancelled on account of non-joining of the investigation.

Counsel for the petitioner undertakes that he has received the relevant instructions from his client that for some unavoidable reasons, he could not join the investigation. But now, if one more chance is granted to him, he is ready to join the investigation.



Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.

4. *Notice of motion.*

5. *On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report.*

6. *Adjourned to 02.04.2025.*

7. *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

8. *Besides, the petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the Country, he would seek prior permission from the Investigating Agency/concerned Court.”*

2. Status report dated 01.04.2025, in the shape of affidavit of Anwar Ali, PPS, Deputy Superintendent of Police, Nihal Singh Wala, District Moga, has been filed by learned State counsel in Court today, the same is taken on record. Registry is directed to tag the same at appropriate place.

3. Though there is no one present to represent the petitioner yet learned State counsel very fairly states that in compliance to the direction passed by this Court petitioner has joined the investigation and after his joining, final report was prepared and then submitted to the concerned Court also, against the petitioner and his other co-accused namely Gurdas Singh. He also states that as of now, custodial interrogation of the petitioner would not be required.

4. Taking into consideration the said aspect and the fact that petitioner has joined the investigation, learned State counsel is not able to point out anything in specific, requiring need for custodial interrogation of the petitioner. Therefore, present petition is **allowed** and orders that ad-

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interim order dated 31.01.2025, passed by this Court is hereby made absolute.

5. However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

6. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

7. It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

Disposed of.

April 02, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No