



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

**CRM-M-56949-2024 (O&M)
Date of decision: 08.01.2025**

Kamaljeet Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gurinder Singh Dhot, Mr. G.S.Ghuman &
Mr. Gurvinder Singh Mehra, Advocates for the petitioners.

Mr. Kuljit Singh, Addl. A.G., Punjab for the respondent
assisted by ASI Balvir Singh.

Mr. Naveen Sharma, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of pre-arrest bail to the petitioners in FIR No.181 dated 21.08.2024 (P-1), under Sections 329(3), 62, 303(3), 351 (2), 191(3) read with Section 190 of the BNSS, registered at Police Station Division No.6, District Ludhiana.

(2) Above FIR was registered by complainant-Jatinder Jenny with the allegations that petitioners, along with co-accused, in prosecution of their common object, while forming an unlawful assembly, trespassed in his property with deadly weapons and committed theft of tin sheets.



(3) Learned Counsel contends that petitioners were granted interim bail by the Coordinate Bench, vide order dated 18.11.2024 and in pursuance thereof, they have already joined the investigation; hence, custodial interrogation of the petitioners is not required.

(4) Learned State Counsel, on instructions from ASI Balvir Singh, acknowledged the above factual position and submits that custodial interrogation of the petitioners is not required at this stage.

(5) *Per contra*, learned Counsel for the complainant vehemently opposed the prayer and submits that prayer of the petitioners deserves to be rejected on the premise that they have not complied with the conditions imposed by the Coordinate Bench while passing the order dated 18.11.2024.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It is not in dispute that petitioners were granted interim bail by the Coordinate Bench, vide order dated 18.11.2024 and the order reads as under:-

“Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), prayer is made for grant of 'anticipatory bail' to the petitioners in case FIR no.181, dated 21.08.2024 (Annexure P-1), under Sections 329(3), 62, 303(3), 351(2), 191(3) and 190 of the BNS, 2023, registered at Police Station Division No.6, District Ludhiana, Punjab.

Learned counsel for the petitioners inter alia submits that there is no attempt made by the petitioners to take illegal possession of the plot in dispute.

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He further submits that, the petitioner is ready to give an undertaking before this court, that he will not take the possession of the said plot in dispute, without taking a legal recourse.

He finally submits that it is a case of no injury, therefore, the custodial interrogation of the petitioner is not required.

Notice of motion.

Mr. Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State, and waives service.

At this stage, Mr. Naveen Sharma, Advocate, has caused appearance on behalf of complainant, through a validly executed power of attorney in his favour. The same is taken on record.

He opposed the grant of asked for relief to the present petitioner, and submits that there is a CCTV footage, wherein number of persons seen taking away the tin-sheds which were installed at the boundary of the plot.

Be that as it may be, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.

At the time of joining investigation, the petitioners shall also furnish an affidavit before the investigating officer concerned, qua the above undertaking given before this Court.

Adjourned to 17.12.2024.

To be heard alongwith CRM-M-56929-2024.”

(8) It is also not in dispute that in pursuance of the aforesaid order, petitioners have joined investigation and their custodial interrogation is not required.



(9) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioners. Consequently, present petition is allowed; interim order dated 18.11.2024 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(10) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

(11) Needless to say that if complainant wishes to assist the Investigating Officer, he would be at liberty to supply the relevant documents, which are in his possession.

(12) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(13) It is also clarified that in case of any recurrence on the part of petitioners, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

8th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>