



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

213

**CRM-M-4768-2025 (O&M)  
Date of Decision: 17.03.2025**

Harwinder Singh @ Shaktiman

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU****Present:** Mr. Atul Jain, Advocate for the petitioner.

Mr. S.S.Chahal, AAG, Punjab.

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**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in cross case vide DDR No. 35 dated 20.10.2024 under Sections 115(2), 118(1), 118(2), 191(3) read with Section 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') in FIR No.63 dated 08.10.2024, under Sections 333, 115(2), 118(1), 351(2), 191(3) read with Section 190 of BNS, registered at Police Station Dhilwan, District Kapurthala.

2. Short reply by way of affidavit dated 16.03.2025 of Mr. Karnail Singh, PPS, Deputy Superintendent of Police, Sub Division Bholath, Punjab on behalf of respondent has been filed and the same is taken on record. Copy supplied to the other side.

Registry to tag the same at appropriate place.

3. Allegations are that petitioner along with co-accused armed with *kirpan*, baseball and iron rod gave beatings to the complainant as well as damaged his car.



4. Contends that petitioner was granted interim bail by this Court vide order dated 28.01.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

5. The above factual position is not disputed by learned State Counsel, on instructions from quarter concerned and submits that his custodial interrogation is not required.

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that petitioner was granted interim bail by this Court, vide order dated 28.01.2025 and the order reads as under:-

*“Contends, inter alia, that present cross version has been registered vide DDR No. 35 dated 20.10.2024 under Sections 115(2), 118(1), 118(2), 191(3) read with Section 190 of Bharatiya Nyaya Sanhiha, 2023; whereas FIR No. 63 dated 08.10.2024 under Sections 333, 115(2), 118(1), 351(2), 191(3) read with Section 190 of Bharatiya Nyaya Sanhita, 2023 at Police Station Dhilwan, District Kapurthala, at the instance of petitioner’s side was registered prior in time.*

*Notice of motion.*

*Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of respondent; seeks time to have instructions and/or to file written response in the matter.*

*Posted for 17.03.2025.*

*In the meanwhile, petitioner shall join investigation before the Investigating Officer, but he be not arrested till the next date of hearing. ”*

8. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his 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 petitioner. Consequently, present petition is allowed; interim order dated 28.01.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of BNSS.

10. It is also made clear that petitioner shall fully co-operate with



the Investigating Officer as and when called for further investigation.

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

12. It is also clarified that in case of any recurrence on the part of petitioner, 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.

**17.03.2025**

Rajeev (rvs)

**(MAHABIR SINGH SINDHU)**

**JUDGE**

Whether speaking/reasoned Yes

Whether reportable No