



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

**CRM-M-7629-2025
Date of decision: 11.03.2025**

DEEPAK @ ANKUR

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Partap, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.17 dated 14.01.2025 under Section 209 of the Bharatiya Nyaya Sanhita, 2023 (erstwhile Section 174-A of Indian Penal Code, 1860), registered at Police Station Indri, District Karnal.

2. On 11.02.2025, following order was passed:

"Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.17 dated 14.01.2025 under Section 209 of the Bharatiya Nyaya Sanhita, 2023 (erstwhile Section 174-A of the Indian Penal Code, 1860), registered at Police Station Indri, District Karnal.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been declared as proclaimed person without following the drill of Section 82 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') (now Section 84 of BNSS). The petitioner was granted bail in the main case pending against him under



Section 138 of Negotiable Instruments Act, 1881, as discernible from Annexure P-2. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 07 years. Even no notice under Section 35(3) of BNSS [erstwhile Section 41-A of Cr.P.C.] has been served upon the petitioner.

Notice of motion for 11.03.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from SI Sunny Kumar, submits that in compliance of order dated 11.02.2025 passed by this Court, the



petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 11.02.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482 (2) of BNSS, 2023 (erstwhile Section 438 (2) Cr.P.C.)

5. The petition is accordingly disposed of.

6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

March 11, 2025
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |