

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-11964-2025 (O&M)
Date of Decision: 04.04.2025

SUBHAM ALIAS SUBHAM KUMAR

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.P.S. Bajwa, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavata, 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.98 dated 27.06.2024 under Sections 323, 324, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 326 of IPC (added later on), registered at Police Station Shahzadpur, District Ambala.
2. On 04.03.2025, 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.98 dated 27.06.2024 under Sections 323, 324, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 326 of IPC (added later on), registered at Police Station Shahzadpur, District Ambala.

Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in FIR (supra). The injury attracting the offence under Section 326 of IPC is specifically attributed to co-accused Reshav. Co-accused Rahul has been granted the concession of regular bail by learned Additional Sessions Judge, Ambala vide order dated 11.11.2024 (Annexure P-3) and another co-accused Lucky Kumar has also been granted the concession of anticipatory bail by this Court vide order dated 11.02.2025 passed in CRM-M61586-2024 (Annexure P-4).

Notice of motion for 04.04.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10***



SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, 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 ASI Krishan Kumar, submits that in compliance of order dated 04.03.2025 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 04.03.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) of BNSS, 2023.

5. The petition is accordingly disposed of.

(HARPREET SINGH BRAR)
JUDGE

04.04.2025
Ajay Goswami

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