

2025:PHHC:131167



214 (1st case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46457-2025

Date of decision: September 22, 2025

Swaran Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Nikhil Ghai, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

Mr. Suneet Pal Singh Aulakh, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the
Bhartiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of
concession of anticipatory bail to the petitioner in case FIR No.146 dated
28.07.2025, under Sections 108, 351(3), 3(5) of the BNS, 2023, registered at
Police Station Sadar Jagraon, District Ludhiana.

2. On 25.08.2025, the following order was passed:

“Apprehending his arrest in FIR No. 146 dated 28.07.2025 registered for offences punishable under Section 108, 351(3), 3(5) of BNSS, at Police Station Sadar Jagraon, District Ludhiana; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

*Inter alia contends that genesis of the FIR in question is a panchayat related dispute, the offence under Section 108 of BNS (earlier Section 306 of IPC) is not made out against the petitioner. Learned counsel further submits that the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel appearing for the petitioner has relied upon dicta of the judgment of the Hon'ble Supreme Court in **Mohit Singhal & Anr. Vs. The State of Uttarkhand & Ors.** = Neutral Citation No.2023 INSC1035 and **Abhinav Mohan Delkar vs. The State of Maharashtra & Ors.** = 2025 INSC 990.*

Notice of motion.

On the strength of advance notice; Mr. Gurpartap S. Bhullar, AAG Punjab has entered appearance on behalf of the respondent-State of Punjab and Mr. Abhimanyu Kalsy, Advocate has entered appearance on behalf of the complainant.

Adjourned to 22.09.2025.

State is at liberty to file reply, if advised.

The petitioner is directed to appear before the Investigating Officer on 29.08.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of BharatiyaNagarik Suraksha Sanhita, 2023.”

3. Learned State counsel (on instructions) has stated that pursuant to the aforesaid order, the petitioner has joined investigation, and his custodial interrogation is not required.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that there are direct/serious allegations against the petitioner, and thus, he ought not to be extended the concession of anticipatory bail. Learned counsel has further submitted that in case, the petitioner is extended the concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice and interfere in the prosecution evidence.

5. Having heard learned counsel for the parties and upon perusal of the record, and in view of the stance of the State, the interim order dated 25.08.2025 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

6. Petition stands allowed, accordingly.

7. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

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

(SUMEET GOEL)
JUDGE

September 22, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No