



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-62947-2024

Date of decision: 21.01.2025

BASANT SINGH

....PETITIONER

Versus

STATE OF PUNJAB

....RESPONDENT

**CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY**

Present: - Mr. Karnail Singh, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

**SANJIV BERRY, J. (ORAL)**

By way of present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
46	25.04.2022	302, 307, 326, 323, 148 and 149 IPC 25, 27 of the Arms Act	Kamboj, District Amritsar (Rural)

2. Learned counsel for the petitioner submits that in compliance to the order passed by this Court on 16.12.2024, the petitioner has appeared in the trial Court on 18.12.2024 and and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 18.12.2024 passed by learned Additional Sessions Judge, Amritsar. Since the petitioner had been declared innocent and was not challaned while presenting the report under Section 173 Cr.P.C. but has been summoned on the application under Section 319 Cr.P.C. moved by the prosecution. Therefore, his custodial interrogation is not required.



4. This aspect is not disputed by learned State counsel.
5. During the course of hearing on 16.12.2024, following order was passed:

“2. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case due to party faction. He contends that cross version of the FIR (supra) has also been registered vide GD No. 54, dated 25.04.2022 at Police Station Kamboj, District Amritsar Rural, at the instance of Dilbag Singh. He contends that after the investigation, the petitioner was declared innocent and challan was presented against the other co-accused, however, during the course of trial, on an application preferred under Section 319 Cr.PC, moved by the prosecution, the petitioner has been summoned to face trial vide order dated 29.11.2024 (Annexure P-10) passed by learned Additional Sessions Judge, Amritsar. He contends that the next date fixed before the learned Trial Court for appearance of the petitioner is 18.12.2024 and the petitioner is ready to appear and face the trial.*

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and, on instructions from SI, Shashpal, P.S. Kamboj, Amritsar, has not disputed the factual matrix qua the petitioner being declared innocent after investigation and not challaned. He submits that the petitioner has been summoned on an application preferred under Section 319 Cr. PC (supra) and is nor required for further investigation as the challan has already been presented in the Court. He prays for time to file the status report/reply in the matter.*

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5. *Adjourned to 21.01.2025.*
6. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*
7. *In the meanwhile, the petitioner is directed to appear before the learned Trial Court/Duty Magistrate on 18.12.2024, the date already fixed before the learned Trial Court and in that event, learned Trial Court/Duty Magistrate will admit the petitioner on interim bail subject to its satisfaction on his furnishing requisite bail/surety bonds.”*

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished their requisite bail/surety bonds consequent to the order dated 16.12.2024, passed by this Court, the present petition is allowed and the interim bail granted vide order dated 16.12.2024 is confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**(SANJIV BERRY)**  
**JUDGE**

**21.01.2025**

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| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |