



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB No. 14 of 2025

Date of Decision: 26.06.2025

Shri. Kamal Goyal,
 S/o Shri Balawant Rai Goyal
 R/o 401B, Prabhat Apartment,
 Kundilngar, Basista Chariali
 Guwahati, Kamrup, Assam

.....Petitioner

VERSUS

State of Meghalaya,
 Represented by the Principal Secretary,
 Home (Police) Department, Shillong

.....Opp. Party/Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. P. Bhattacharjee, Adv.
 Mr. Z.A. Choudhary, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
 Ms. Z.E. Nongkynrih, GA

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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |



ORDER (ORAL)

1. Heard Ms. P. Bhattacharjee, learned counsel for the petitioner who has submitted that the petitioner had purchased a vehicle bearing registration No. AS 01 FX 5955 on 10.06.2024 from one Shri. Prasurya Nil Kalita. In compliance with the relevant provision of law under the Motor Vehicles Act, 1988 the petitioner has received copy of the Form 29, 30 under the relevant Motor Vehicle Rules wherein the transferer/seller of the vehicle has penned his signature.

2. It is also the submission of the learned counsel for the petitioner that investigation was launched in connection with the said vehicle, meaning that there is a suspicion that the said vehicle is a stolen vehicle.

3. However, the learned counsel has submitted that no intimation was received by the petitioner inasmuch as the nature of the offence would attract the provision of Section 379 IPC/offence of theft. The punishment for commission of such an offence being below 7(seven) years of imprisonment if convicted.

4. It is the further submission of the learned counsel for the petitioner that notice under Section 35(3) of the BNSS ought to have been issued upon him but was not done so, as such, there is apprehension that he may be arrested at any point of time in connection with the said transaction.

5. Again, the learned counsel has submitted that the petitioner has been summoned by the RTO, Kamrup District, Assam on 27.06.2025 to clarify the matter. However, because of the apprehension of arrest, the



learned counsel has submitted that this petition is accordingly moved before this Court with a prayer for grant of pre-arrest bail and in the meantime, prayer for interim bail is also made herein.

6. Mr. N.D. Chullai, learned AAG appearing for the State respondent has, at the outset, challenged the maintainability of this petition on the ground that the contents of this petition, including the annexures annexed thereto would reveal that if any offence exists it would be one under Section 379 IPC which as the learned counsel for the petitioner has submitted, would entail that the Investigating Officer has to issue a notice under Section 35(3) to the petitioner. Non-issuance or non-receipt of the same by the petitioner would only go to show that there is no intention of arrest by the investigating authorities and even if such notice has been issued, still then, the petitioner will not be arrested at the first instance. Accordingly, since there is no reasonable apprehension made out, this petition is liable to be dismissed as devoid of merits, further submits the learned AAG.

7. This Court has considered the submission made by the respective counsels for the parties and is made to understand that the cause of action which prompted the petitioner to approach this Court relates to a sale transaction of the said vehicle which after such transaction has been completed came to the knowledge of the petitioner that the said vehicle may have been a stolen vehicle for which those who are involved in such transaction, including the petitioner, are liable to be punished under the relevant provision of the Act. Accordingly, apprehending arrest, the petitioner has approached this Court with this instant petition.



8. At this point of time, there are no materials on record to indicate that firstly, any FIR has been filed in this regard. Secondly, whether the IO has issued the statutory notice under Section 35(3) BNSS upon the petitioner. The fact remains that without any reasonable apprehension the petitioner would not have approached this Court.

9. Since crucial details are not available with this Court as regard registration of any case or investigation launched therefore, this Court is in agreement with the submission of the learned AAG that no ground is made for prayer of grant of pre-arrest bail.

10. Accordingly, this petition is hereby dismissed.

11. Before parting, this Court opines that under the facts and circumstances as has been related by the petitioner since no notice under Section 35(3) BNSS has been issued upon him, it can be presumed that he is not to be arrested. Under such situation, it would be but natural for the petitioner to be convinced that unless the process relating to the issuance of a notice under Section 35(3) is exhausted, there is no reason why he should be arrested, the IO being conscious of such procedure.

12. Petition disposed of. No costs.

Judge