



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211 CRM-M-747-2025(O&M)
Date of Decision: 14.02.2025

SUNIL CHOPALPetitioner
VERSUS
STATE OF HARYANARespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Dinesh Sharma, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
479	02.12.2024	P.S. Sec-17, HUDA, Jagadhari, Yamuna Nagar, District Yamuna Nagar	316(2), 329(3) and 351(3) of BNS, 2023

2. Vide order dated 10.01.2025 passed by this Court, the petitioner was ordered to be released on interim bail and was directed to join investigation. Order dated 10.01.2025 reads as under:-

“The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-‘BNSS’) by the petitioner for grant of anticipatory bail in case arising out of FIR No.479 dated 02.12.2024 registered under Sections 316(2), 329(3) and 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short-‘BNS’), at Police Station Sector 17 HUDA, Jagadhari, Yamuna Nagar, District Yamuna Nagar.

The aforementioned FIR has been registered on the basis of a written complaint lodged by the complainant-Neelam



Bansal alleging therein that she had purchased a double storey shop from the present petitioner and his brother by entering into an agreement to sell and was in possession thereof. On 22.11.2024, the petitioner criminally trespassed into those shops by breaking open the lock of the same and took the same in possession. He has also removed the furniture lying therein and on asking, he started extended threats to kill her, therefore, she prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated and are underway. Apprehending his arrest, the present petitioner had moved an application for grant of pre-arrest bail before the Court of learned Sessions Judge, Yamuna Nagar which had been dismissed vide order dated 02.01.2025.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. The dispute between the parties is of civil nature and civil litigation is already pending in this regard. The allegations on the face of the record did not make out any prima facie case for commission of subject offences. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him and the case is based on the documentary evidence. Therefore, it is urged that the petitioner deserves to be extended benefit of pre-arrest bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter while submitting that there are specific allegations against the present petitioner and no extra ordinary circumstances have been made out for allowing the bail.

Adjourned to 14.02.2025.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation



within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Status report has been filed by respondent-State. The same is taken on record and be tagged at the appropriate place. Further submitted by learned State counsel that the petitioner has joined the investigation on 15.01.2025. However, recovery of articles illegally removed and taken away by the petitioner and sold away is to be effected and for that purpose his further custodial interrogation is required.

4. In the considered opinion of this Court, non-recovery of alleged articles list cannot itself be a ground to deny the benefit of bail to the petitioner. Therefore, keeping in view the above facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 10.01.2025 granting interim bail to the petitioners, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

14.02.2025
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |