



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-3100-2025 (O&M)
Date of decision: 21.02.2025

Inderjit Singh
State of Punjab
Versus
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. L.S. Lakhanpal, Advocate
for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. H.S. Saini, Advocate
with Mr. Dushant Jog, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.434 dated 28.07.2021 under Section 406 of the Indian Penal Code, 1860, registered at Police Station Zirakpur, District SAS Nagar.

2. On 21.01.2025, the following order was passed:-

“XX XX XX XX
Learned counsel for the petitioner, inter alia, contends that the alleged incident took place in the month of August, 2020, however, FIR (supra) was registered on 28.07.2021 after a delay of about 01 year and the petitioner has been falsely implicated in the present case. The vehicles mentioned at Sr. No.(a) & (b) were sent back to its original owners by the complainant, the vehicle



mentioned at Sr. No.(c) was sold to one Kamaldeep Singh and entire payment was directly made in the account of its original owner. The cars mentioned at Sr. No.(d) & (e) are involved in a police case and the same are lying in the police station and NOCs of the same have been given by its original owner(s) in favour of the complainant and the petitioner has concern with the car mentioned at Sr. No.(f). Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 03 years.

Notice of motion for 21.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, 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 Balraj Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. On the other hand, learned counsel for the complainant vehemently opposes the prayer of the petitioner on the ground that the delay in registration of the FIR, does not negate the serious nature of the allegations and the petitioner’s actions are part of a deliberate attempt to misappropriate property and avoid accountability.
5. However, in view of the statement of learned State counsel, order dated 21.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).
6. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

21.02.2025

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No