



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M No.3117 of 2025
Date of decision: 28.02.2025

PAWAN KUMAR

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Nitin Garg, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No. 0145 dated 21.12.2024, registered under Sections 132, 221, 121(1), 308(2), 127(2), 126(2), 190 and 351(3) of Bharatiya Nyaya Sanhita, 2023 at Police Station Dayalpura, District Bathinda..

2. Vide order dated 20.01.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 20.01.2025, passed by this Court, reads as under:

“Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks grant of anticipatory bail in case arising out of FIR No. 0145 dated 21.12.2024, registered under Sections 132, 221, 121(1), 308(2), 127(2), 126(2), 190 and 351(3) of Bharatiya Nyaya Sanhita, 2023 at Police Station Dayalpura, District Bathinda.



The aforementioned FIR has been registered on the basis of the statement recorded by complainant Jatinder Kumar Bansal, State Tax Officer, posted in the office of Assistant Commissioner (State Taxes), District Bathinda alleging therein that he had been authorized to inspect a shop named as M/s Shri Bala Ji Bartan Store (for short 'Shop') situated at Bathinda. On being duly authorized to do so, he along with members of his team had inspected the shop. One more team headed by State Tax Officer Anil Kumar was authorized by the competent authority to check the godown of the said shop. While the team was inspecting the shop, the shop owner along with some of his companions forcibly closed the shutter thereof, thereby wrongfully confining the team members. The petitioner, who was amongst them, had gathered at the spot along with several other persons and had instigated them. Accused Mithan Lal, owner of the shop, forcibly snatched all the documents and stock statements and account books from the complainant and other officials and exerted force upon them. They also assaulted them and caused obstruction in the performance of their duty. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Pathankot but the same had been dismissed, vide order dated 03.01.2025.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the shop of the petitioner, which is registered under the name of DC Metals,



wherein he sells utensils, had been searched by State Tax officials on 18.12.2024. Nothing wrong had been found in his record. He was still asked to deposit an amount of Rs. 30,000/- as GST. He refused to do so since no such amount was payable by him and his entire record was correct. However, due to pressure exerted by the State Tax officials and threat extended by them, he was forced to deposit the amount of Rs. 30,000/-. On 21.12.2024, the complainant had conducted a raid on the shop of M/s Shri Bala Ji Bartan Store, which is situated opposite to the shop of the petitioner, and the petitioner was just present there. No such act as alleged by the complainant had been committed by him and this fact could be verified from the CCTV of the camera installed at the place of incident. The petitioner is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, urged that the petition deserves to be allowed.

Notice of motion.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and seeks some time to file the status report.

List again on 28.02.2025.

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 BNSS, 2023.”

3. Status report dated 27.02.2025 filed on behalf of respondent-State is taken on record.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 30.12.2025 but he did not cooperate with the Investigating Officer and did not get the Panchnama recovered and therefore, it is urged that his custodial interrogation is required for thorough investigation.

5. This Court cannot treat the behavior attributed to the petitioner to be instance of non-cooperation, justifying denial for pre-arrest bail since, an accused, while joining investigation, is not expected to make self incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. So far as, non recovery is concerned, that cannot be considered as ground for denial of bail to the petitioner. In the considered opinion of this Court, the pre-trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 20.01.2025, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

28.02.2025

Jyoti-IV

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned:	Yes/No.
Whether reportable :	Yes/No