



210 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-3536-2025
Date of decision: 24.02.2025

SHAHZAD AHMAD

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishav Jain, Advocate and
 Mr. Shivaly Singla, Advocate
 for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
in FIR No.354 dated 15.12.2024 under Sections 331(4) & 305 of the Bharatiya
Nyaya Sanhita, 2023, registered at Police Station Patran, District Patiala.

2. On 23.01.2025, following order was passed:

*"Instant petition is preferred under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short
'BNSS') seeking anticipatory bail in FIR No.354 dated
15.12.2024 under Sections 331(4) & 305 of the Bharatiya
Nyaya Sanhita, 2023, registered at Police Station Patran,
District Patiala.*

*Learned counsel for the petitioner, inter alia,
contends that there is a delay of 45 days in registration of
FIR (supra). The petitioner has no concern with the alleged
theft and five other persons were arrested at the spot, who
were found to be stealing the rice from the godown of the
complainant.*

Further, the maximum sentence provided for the



offences, under which the FIR (supra) is registered, is punishable upto 07 years and no notice under Section 35 of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] has been served upon the petitioner.

Notice of motion for 24.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, 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 Cr.P.C.).*

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 Baljinder Singh, submits that in compliance of order dated 23.01.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation. However, he submits that the petitioner is in



judicial custody in other case and his antecedents have not been disclosed in the present petition.

4. Keeping in view the statement made by learned State Counsel, the order dated 23.01.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482 (2) BNSS.

5. The petition is accordingly disposed of.

6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

February 24, 2025
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No