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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
310

CRM-M No.4250 of 2025
Date of decision: 17.02.2025

Mithan Lal ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0145	21.12.2024	Dayalpura, District Bathinda	132, 221, 121 (1), 308 (2), 127 (2), 126 (2), 190 and 351 (3) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of the present petition are that 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

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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 present petitioner, owner of the shop along with some of his companions forcibly closed the shutter thereof, thereby wrongfully confining the team members. The co-accused Pawan Kumar, who was amongst them, had gathered at the spot along with several other persons and had instigated them. The present petitioner 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, Bathinda but the same had been dismissed, vide order dated 16.01.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact the concerned officials and complainant had reached in Shop on the fateful day. One raiding team had also come to his shop on the same day. All the documents were

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checked and nothing wrong had been found. An amount of Rs.30,000/- was still demanded by way of tax and the same had been paid by the co-accused Pawan Kumar despite the fact that it was not legally payable. Thereafter, raid was conducted in other shops. Since the father of the petitioner had gone to the Shop at that time, therefore, accused Pawan Kumar had requested the complainant to let the petitioner sit there as his old aged father was there. The petitioner did not commit any offence as alleged in the FIR and this fact could be verified from the CCTV footage of the camera installed at the place of incident. His custodial interrogation is not required. He is ready to join the investigation. No purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has already been filed by the respondent-State. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner as he along with the co-accused had collected more than 100 persons at the spot when the complainant along with his team members were checking the shops of the petitioner and the co-accused, had closed the shutter of the shop and had wrongfully confined the complainant and his team members and criminally intimidated them. It is also submitted that the ledger book of the shop of the petitioner along with the recovery memo/Panchnama had been snatched and for recovery thereof, his custodial interrogation is

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required. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. It would be relevant to mention here that as submitted in the status report, the petitioner has joined investigation on 01.02.2025. He is alleged to have caused destruction in performance of lawful duty of the complainant on the fateful day, by forming membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly. No specific overt act has been attributed to him. The CCTV footage of the camera extracted from the spot and converted in the form of Compact Disk has been seen by this Court which does not show the petitioner to be committing any such act which amounts to causing destruction in performance of lawful duty of the complainant and his team members. The subject offences are triable by Magistrate. Keeping in view the nature of the allegations as levelled against the petitioner, I am of the opinion that he deserves to be extended benefit of pre arrest bail. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail in the event of his arrest, on the following conditions:-

- (i) He shall furnish requisite personal/surety bonds to the satisfaction of the Arresting officer/investigating officer by appearing before him within a period of ten

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days;

- (ii) He shall appear before the Investigating Officer as and when called subsequently and submit all documents and details as may be called upon by him.
- (iii) He shall not tamper with the evidence or cause any threat or to any of the prosecution witnesses in any manner.
- (iv) In the event of violation of any of the abovesaid terms, his bail shall stand automatically cancelled.
- (v) He shall not leave the country without prior permission of the trial Court.
- (vi) He shall regularly appear before the Court on every date of hearing and also and when called upon to do so during the course of trial.

7. It is further clarified that the observations made above are only for the purpose of consideration of application for anticipatory bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

17.02.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No