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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5238-2025

Date of decision: 28.02.2025

Shekhar Jain

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amandeep, Advocate for
Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.359 dated 14.12.2024 (Annexure P-1) under Sections 318(4)/336(3)/338/340/238/61(2) of BNS (earlier Sections 420/468/467/470/201/120-B of IPC) and section 12(1)(b) of Passport Act, 1967 (offences under Sections 238 and 61(2) of BNS, 2023 added later on and Section 240 of BNS, wrongly mentioned in the order dated 24.01.2025 i.e. Annexure P-2) registered at Police Station Baroda, Gohana, District Sonipat.

On 29.01.2025, the 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.359 dated 14.12.2024 under Sections 318(4), 336(3), 338, 340, 238 & 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 12(1)(b) of Passport Act, 1967 (Sections 238 & 61(2) of BNS were added later on) (Section 240 of BNS was wrongly mentioned in the order dated 24.01.2025), registered at Police Station Baroda, Gohana, District Sonipat.

Learned counsel for the petitioner, inter alia, contends that FIR (supra) was registered on the basis of secret information, in which main accused is one Ankit Narwal, who has been arrested by the jurisdictional police authorities on 08.01.2025. The allegations in the FIR (supra) are that a passport has been procured on the basis of forged documents and aforementioned main accused Ankit Narwal named father of the petitioner in his disclosure statement and stated that the documents were procured from him and also named one



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Sunny, who has prepared the passport on the basis of forged documents. The only allegation against the petitioner is that he transferred some nominal amount from his bank account to the account of coaccused Sunny.

*Notice of motion for 28.02.2025. 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 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.'

Learned State counsel on instructions from SI Rakesh Kumar, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 29.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.02.2025

Neha

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