



CRM-M-8581-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-8581-2025
Decided on: 19.02.2025

Pawan Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumit Dua, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
224	30.08.2024	City Kapurthala, Kapurthala	105, 190, 191(3) of BNS 2023 [Sections 103(2) & 61(2) of BNS added and 105 BNS deleted later on)

1. The petitioner apprehending arrest in the FIR captioned above, in which persons later on died as such 103(2), 61(2) of BNS added and 105 BNS deleted, has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Status report by way of affidavit has been handed over in the Court and the same is taken on record. It would be appropriate to refer to following portion of the status report, which reads as follows:-

“A. Role of the petitioner

10. That with regards to the present petitioner it is humbly submitted that the petitioner has not been named in the present FIR and nor has the present petitioner been nominated in the present FIR.

11 That there are a total of 18 accused in the present FIR. That out of the 18 accused 3: have been declared innocent, one has been released vide order dated 05.12.2024. That one accused namely Azad singh @ Manga s/o Swaran Singh has been arrested in the present FIR. That the



CRM-M-8581-2025

investigation is still underway as the accused are yet to be arrested.

B. The evidence against the petitioner:

12. That the investigation is still underway as the accused are yet to be arrested. That the present petitioner is not an accused in the present FIR.

C. In case of dismissal of this petition, would the police arrest the petitioner in this FIR, and do they need the accused's police custody?:

13. That neither the petitioner has been named in the present FIR nor has he been nominated as an accused in the present FIR. The deponent would humbly submit that the present FIR is still under investigation.”

3. Given the stand of the investigator that petitioner has not been arraigned as accused as of date, the apprehension of arrest is ill founded, as such the present petition is not maintainable and the same is disposed of. However it is clarified that in case, the investigator/police proposes to arrest the petitioner in the above captioned FIR, the petitioner be given three days notice to avail his legal remedies. It is further clarified that filing and closure of the present petition shall not come in petitioner's way if he files a fresh bail petition. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.02.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.