



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

CRM-M-9770-2025
Date of decision: 20.03.2025

ARUN KUMAR

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naveen Batra, 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.101 dated 05.08.2022 under Sections 457 and 380 of Indian Penal Code, 1860, registered at Police Station Nangal, District Rupnagar.

2. On 20.02.2025, 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.101 dated 05.08.2022 under Sections 457 & 380 of the Indian Penal Code, 1860, registered at Police Station Nangal, District Rupnagar.

Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR (supra) and he has been nominated as accused on the basis of disclosure statement made by co-accused while he was in police custody, which has no evidentiary value in the eyes of law, as the same is hit by Section 25 of Indian Evidence Act, 1872 (now Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023). Even the supplementary statement



suffered by the complainant do not reveal how he came to know about identity and involvement of the petitioner. The recovery of stolen articles has already been made from co-accused. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 07 years.

Notice of motion for 20.03.2025.

*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."

3. Learned State counsel, on instructions from ASI Tajinder Singh, submits that in compliance of order dated 20.02.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial



interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 20.02.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023.

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.

March 20, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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