



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10071-2025 (O&M)
Date of decision: 03.07.2025

Kapil Kumar
... Petitioner
Versus
State of Punjab
... Respondents

CORAM: HON’BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Naveen Bawa, Advocate,
for the petitioner.
Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (ORAL)

1. In the instant petition filed for anticipatory bail, on 21.02.2025, following order was passed:

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Sections(s)	Police Station	District
Kapil Kumar, aged about 44 years	217	18.12.2024	420, 120-B of IPC & Section 24 of the Immigration Act, 1983	Salem Tabri	Ludhiana

2. Learned counsel for the petitioner, inter alia, contends that whole amount i.e. Rs.6,50,000/- has been deposited by the complainant Yash Kumar, in the Bank account of the main accused Vishal Kumar. Petitioner has no concern with the business of Vishal Kumar. Petitioner has neither demanded any amount from the complainant



nor has made any promise to send him abroad i.e. Portugal.

Counsel also refers to the inquiry conducted by the police, wherein it has been concluded that the complete bargain and acceptance of the amount was by Vishal Kumar, and the role of the petitioner is only of being present either at the airport or in the company of Vishal Kumar. The contention of the petitioner's counsel in this regard is that the petitioner was employed as a driver for the car of Vishal Kumar and, thus, he was always required to be in his company.

Besides, it is also submitted that petitioner was made accused in one more case on the same day when the present FIR was lodged at the instance of the complainant - Yash Kumar.

Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.

- 3. Notice of motion.**
- 4. On advance notice, learned State counsel puts in appearance on behalf of the respondent State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report.**
- 5. Adjourned to 23.04.2025.**
- 6. In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).**
- 7. Besides, the petitioner would submit/surrender his passport before the Arresting Officer and an undertaking**



on oath that in case of leaving the Country, he would seek prior permission from the Investigating Agency/concerned Court.”

2. Learned counsel for the petitioner contends that in compliance to the directions of this Court, petitioner has already joined investigation and has fully cooperated with the police authorities. Accordingly, he requests for confirmation of the interim bail order.

3. Learned Senior Deputy Advocate General, Punjab, confirms the factum of joining of investigation by the petitioner on 09.04.2025. However, he submits that amount is yet to be recovered. But he is unable to give much explanation in regard to the arguments submitted and referred in the previous order, that the amount of Rs.6,50,000/- is lying deposited in the account of main accused Vishal Kumar and petitioner has nothing to do with the same.

4. In view of this, the Court does not find any substance in the arguments advanced by learned Senior Deputy Advocate General, Punjab, for dismissal of the interim bail granted to the petitioner. Accordingly, the present petition is allowed and ad-interim order dated 21.02.2025, passed by this Court, is hereby made absolute.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

(Sanjay Vashisth)
Judge

03.07.2025

Rajan

Whether speaking / reasoned:
Whether Reportable:

Yes/No
Yes/No