



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-13392-2025 (O&M)
Date of decision: 03.04.2025

Sunder
State of Haryana
Versus
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mukul Khatri, Advocate
for the petitioner.
Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 438 of Cr.P.C., seeking anticipatory bail in case FIR No.484 dated 17.10.2024 under Sections 318(4), 61, 338, 336(3), 340(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (*Section 314(4) of BNS is wrongly mentioned in the lower Court order, instead of Section 318(4) of BNS*), registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

2. On 11.03.2025, the following order was passed:-

“XX XX XX XX
Learned counsel for the petitioner, inter alia, contends that as per the case set up by the prosecution, the complainant paid Rs.550/- for deduction of tax to co-accused Rahul, however, he was given two receipts i.e. one receipt of Rs.180/- and another of Rs.330/- and when his vehicle was stopped by Uttarakhand police, it was found



that the receipts issued by co-accused Rahul are invalid. It is further contended that the petitioner has not played any active role in the commission of offence and he is having clean antecedents and is not involved in any other case.

Notice of motion for 03.04.2025.

*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 438(2) of Cr.P.C. (now Section 482(2) of BNSS).*

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 SI Lakhwinder Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 11.03.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).

5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.04.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No