

210 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

CRM-M-17651-2025 (O&M)

Date of Decision: 30.04.2025

NEERAJ KAPOOR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Randhawa, Advocate  
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

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**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.42 dated 09.03.2025 under Section 105 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Focal Point, District Police Commissionerate Ludhiana.

2. On 01.04.2025, 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.42 dated 09.03.2025 under Section 105 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Focal Point, District Police Commissionerate Ludhiana.*

*Learned counsel for the petitioner, inter alia, contends that as per the case set up by the prosecution, building of the factory collapsed and the petitioner is made an accused being Manager of the factory in question. Admittedly, he is one of the employee of owner of the building. Further, the essential ingredients, intention and knowledge required under Section 105 of BNS are not available on record. The petitioner himself received head injuries and he was hospitalized for 10 days in Fortis Hospital, Ludhiana and thereafter, remained admitted in Christian Medical College, Ludhiana for 05*



*days. The prosecution has not sought any medical opinion with regard to cause of collapse of the building. At the most, owner of the factory can be held liable for the offence as alleged by the prosecution.*

*Notice of motion for 30.04.2025.*

*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 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 SI Jagtar Singh, submits that in compliance of order dated 01.04.2025 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 01.04.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) of BNSS, 2023.

5. The petition is accordingly disposed of.

30.04.2025  
Ajay Goswami

(HARPREET SINGH BRAR)  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |