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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18524-2025

DATE OF DECISION: 04.04.2025

MONU KHAN

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Shikha Khullar Jaidka, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 482 of the BNSS, 2023 for the grant of the concession of anticipatory bail to the petitioner in FIR No. 213 dated 28/11/2024 registered u/s 303(2) of BNS, 2023 at P.S. Focal Point, District Ludhiana.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘SHO Police Station Focal Point, Ludhiana. Jai Hind. I SI along with Constable Jaspreet Singh No. 327/LDH, and PHG Vaishnu Dass 16407 present at the police station. The Head Munshi of the police station told that, the time would be 8:40 AM from the control room a call was received through mobile phone on the government number that theft has been committed by some unidentified person upon truck number PB 23 C 6115 Tata 709 near Vardaman Steel Mill, Focal Point. Appropriate legal proceedings may be undertaken. Then I ASI tried to gain



information regarding the scene from the caller. But no contact could be maintained with the caller. From the information so received from the control room, the case is made out regarding theft of truck number PB 23 C 6115 Tata 709 near Vardaman Steel Mill, Focal Point by unidentified persons. This satisfies the ingredients as contained under section 303 (2) of BNS, 2023. Therefore Rukka for the registration of the above said case against unidentified persons is handed over to the head Munshi of the Police Station and I along with co-employees go to the scene. The control room may be informed.. Sd/Rakesh Kumar. ASI P.S. Focal Point, Ludhiana. Dated 28/11/2024.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that the petitioner was not named in the FIR and he was nominated on the basis of supplementary statement and except this, there is no evidence to connect the petitioner with the present case. It is further submission that the present FIR is related to the theft of truck and the same has been released on superdari to its owner.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer is not in a position to controvert



the submissions made by counsel for the petition and the custodial interrogation of the petitioner is not required at this stage.

4. **Analysis**

Keeping in view the submissions as made, by the counsel for both the parties, particularly to the effect that the truck has been released on superdari to its owner as well as State Counsel has no objection if this petition is allowed, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

04.04.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No