



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

213

**CRM-M-22411-2025
Decided on: 18.08.2025**

Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Shivani Sahni, Advocate for
Mr. Sahil Arora, Advocate for the petitioner.

Mr. Aminder Singh, Advocate for the complainant.

Mr. Bareen Partap Singh, AAG Punjab.

SANJAY VASHISTH, J.

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 of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Sukha aged about 35 years	06	29.01.2025	305, 331(4) of BNS	City Kurali	SAS Nagar

2. On 29.04.2025 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 of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Sukha aged about 35 years	06	29.01.2025	305, 331(4) of BNS	City Kurali	SAS Nagar

2. *After the registration of the FIR concerning the theft committed at the residence of the complainant, Harpreet Singh, during the intervening night of 28/29.01.2025, accused Rajan and Satish were initially arrested on 03.03.2025 on the basis of secret information, and certain recoveries were effected pursuant to their arrest. Subsequently, on the basis of the disclosure statements made by the already arrested accused, the name of the petitioner surfaced in connection with the present case.*

3. *Learned counsel for the petitioner submits that prosecution cannot allege the involvement of the petitioner solely on the basis of such disclosure statements, unless the same are corroborated by other admissible and independent evidence linking the petitioner to the commission of the alleged offence. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.*

4. *Notice of motion.*

5. *On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter.*

6. *Adjourned to 22.07.2025.*

7. *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.).*

8. *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he*

possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

Thereafter on 22.07.2025, arguments were heard in part giving some directions, following order was passed:-

1. *Mr. Aminder Singh, Advocate, puts in appearance on behalf of the complainant, and files his vakalatnama in Court today, which is taken on record.*
2. *Learned State counsel has filed status report dated 21.07.2025 in the Court today and the same is taken on record.*
3. *Counsel for the complainant submits that identification of the petitioner is well established, as the criminal act of entering the complainant's house is captured in CCTV footage. He further submits that, if not already provided, he is willing to submit a copy of the said recording to the Investigating Officer in a pen drive, if granted one more opportunity.*
4. *List again on 18.08.2025.*
5. *After examining the CCTV footage, whether recovered independently or provided by the complainant in a pen drive, details thereof would be mentioned in the status report. Status report would also clarify whether, the accused/petitioner is identifiable from the said footage, or not.*
6. *Interim order to continue, till the next date only.*

3. Continuing his submissions, learned counsel for the petitioner contends that in compliance of the order dated 29.04.2025 passed by this Court, petitioner has joined the investigation, and has fully co-operated. Therefore, he prays for confirmation of the said interim anticipatory bail order.

4. Today, status report dated 16.08.2025 has been filed by learned State counsel and same is taken on record. As per para No.3 of status report, after examining the CCTV footage, none was identified, because the persons moving outside the house of the complainant were having muffled faces.

5. Learned State counsel on instructions, confirms the said averment made by counsel for the petitioner of joining the investigation on 30.05.2025 by the petitioner, and submits that as of now, custodial interrogation of the petitioner is not required for the purpose of investigation.

6. Heard learned counsel for the parties.

7. Since, petitioner has already joined the investigation and custodial interrogation is no more required; also the petitioner could not be identified even in the CCTV footage, this Court does not find any reason to continue with the petition. Hence ad-interim bail order dated 29.04.2025 passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

8. 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.

9. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

18.08.2025

Sumit Singla

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**