



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

CRM-M-25185-2025
Date of decision: 28.05.2025

MANISH TYAGI @ MANISH KUMAR

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mayank Gupta, Advocate;
 Mr. Didar Singh, Advocate;
 Mr. Medhya Ahluwalia, Advocate and
 Mr. Apurv Parashari, Advocate
 for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. A.S. Cheema, Advocate for the complainant.

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.17 dated 22.01.2025 under Section 305 of the Bharatiya Nyaya
Sanhita, 2023, registered at Police Station Civil Lines, Patiala.

2. On 08.05.2025, 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.17 dated
22.01.2025 under Section 305 of the Bharatiya Nyaya
Sanhita, 2023, registered at Police Station Civil Lines,
Patiala.*

*Learned counsel for the petitioner, inter alia,
contends that there is no evidence to remotely prove the
complicity of the petitioner. Admittedly, the warehouse in
question was taken on rent by co-accused Aakash Sharma.*



Learned counsel for the petitioner relies upon emails (Annexure P-5 & P-15), perusal of which clearly indicates that the complainant has acknowledged that they have completed the formalities of handing over and taking over of the material. Further, the petitioner was only acting as representative of the complainant-company and he stepped into the shoes of co-accused Aakash Sharma for completing the pending work after he left the company in the year 2022. Further, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 07 years and no notice under Section 35(3) of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] has been served upon the petitioner.

Notice of motion for 28.05.2025.

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 Cr.P.C.).

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 ASI Pawan Kumar, submits that in compliance of order dated 08.05.2025 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 08.05.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)
5. The petition is accordingly disposed of.
6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

May 28, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No