



214

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

CRM-M-26411-2025

Date of decision: 16.07.2025

Amandeep

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Kashmir Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR
No.52 dated 27.03.2025 (Annexure P-1) under Sections 331(4)/305 of BNS
registered at Police Station Mukerian, District Hoshiarpur.

On 15.05.2025, the 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.52 dated 27.03.2025 under Sections
331(4) & 305 of the Bharatiya Nyaya Sanhita, 2023, registered at
Police Station Mukerian, District Hoshiarpur.*

*Learned counsel for the petitioner, inter alia, contends that the
petitioner has been nominated as accused on the basis of disclosure
statement made by co-accused Chetan Sharma during his custodial
interrogation, which has no evidentiary value in the eyes of law, as the
same is hit by Sections 25 & 26 of Indian Evidence Act, 1872 (now
Sections 23(1) & 23(2) of Bharatiya Sakshya Adhiniyam, 2023).
Further, recovery of stolen amount of Rs.20,000/- has already been
effected from co-accused. It is further contended that on 06.05.2025, a
compromise (Annexure P-) has been effected between coaccused
Sahil Gill and the complainant. Moreover, the maximum sentence
provided for the offences, under which the FIR (supra) is registered, is
punishable upto 07 years. The petitioner is having clean antecedents
and is not involved in any other case.*

Notice of motion for 16.07.2025.

*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. Tate of Bihar (2014) 8*



CRM-M-26411-2025

-2-

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.'

Learned State counsel on instructions from ASI Pawan Kumar, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 15.05.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

16.07.2025

Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No