

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

2025:PHHC:101579



(208)

**CRM-M-33831-2025
Decided on : 07.08.2025**

Virender Dutt

.....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE SUMEET GOEL

Present: Mr. Jagjeet Beniwal, Advocate
for the petitioner (s).

Mr. Gurmeet Singh, AAG, Haryana.

Sumeet Goel (Oral):

1. This is second petition preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.93 dated 15.03.2024 under Sections 420, 406, 120-B of the Indian Penal Code, 1860, registered at Police Station Bhiwani City, District Bhiwani.

2. On 03.07.2025, the following order was passed:

This is second petition preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.93 dated 15.03.2024 under Sections 420, 406, 120-B of the Indian Penal Code, 1860, registered at Police Station Bhiwani City, District Bhiwani.

The first petition i.e. CRM-M-24785-2025 was dismissed as withdrawn on 07.05.2025 with liberty to file a fresh petition on the same cause of action with better particulars.

Learned counsel for the petitioner, inter alia, contends that FIR (supra) was registered after a delay of more than 01 year from the alleged occurrence. The dispute between the

parties is purely civil in nature, which has been converted into a criminal case. Further, 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. The petitioner is not involved in any other FIR. It is further contended that the petitioner was convicted in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881, in which initially, he was declared proclaimed offender, however, he has been granted interim protection by this Court vide order dated 23.06.2025 passed in CRR-1454-2025 (Annexure P-4).

Notice of motion for 07.08.2025.

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 Inspector Satyanarayan) has submitted that the petitioner has joined investigation and he is not required for further custodial interrogation.

4. Keeping in view the factual milieu of the case in hand, especially the factum of the petitioner having joined investigation and he is not required for further custodial interrogation, the petition is allowed and the order dated 03.07.2025 granting interim anticipatory bail to the petitioner is hereby made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

8. Pending application(s), if any, shall also stand disposed off.

August 07, 2025

Naveen

**(SUMEET GOEL)
JUDGE**

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No

