



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

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CRM-M-35666-2025

Date of decision: 29th July, 2025

Sudam Hussain

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Choudhary, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 53 dated 17.05.2025 registered under Section 303(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 317(2) of BNS added later on) at Police Station Sadar Pathankot, District Pathankot.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Pawan Kumar alleging therein that on the night of 03.05.2025, he had parked his truck bearing registration No. PB02-AU-9535 outside his house and the same was found to be stolen in the next morning. After registration of FIR, investigation proceedings were initiated. During investigation, it was revealed that the petitioner in connivance with the co-accused Gurbez, Mohpreet Singh and Sukhbir had stolen the truck of the complainant. Accused Mohpreet Singh was arrested



on 03.06.2025. He suffered disclosure statement admitting his involvement in the crime and also took the name of the petitioner. He also disclosed that the stolen truck had been sold to co-accused Sukhbir Singh. Accused Gurbez Singh was arrested on 03.06.2025. The stolen truck has been recovered. Investigation is still underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which was dismissed by the Court of learned Sessions Judge, Pathankot vide order dated 04.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused. No recovery is to be effected from him as the stolen truck already stands recovered. The subject offences are triable by Magistrate. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. There is delay of 13 days in lodging of the FIR which itself has rendered the prosecution case as doubtful. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner and hence, he does not deserve to be given concession of pre-arrest bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner in connivance with the co-accused is alleged to have stolen the truck belonging to the complainant. The FIR was registered after a gap of thirteen days. The stolen truck stands recovered. As such, no recovery is to be effected from the petitioner. The subject offences are triable by Magistrate. Keeping in view the nature of the allegations, this



Court is of the considered opinion that pre-trial incarceration of the petitioner is not required and as such, a case is made out for grant of anticipatory bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail subject to his surrender before the Investigating Officer within a period of ten days from the date of passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.

(ii) he 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/her from disclosing such facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

29th July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*