



CRM-M-36957-2025

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108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36957-2025
Date of decision: 16.07.2025

MANISH ...PETITIONER
VERSUS
STATE OF PUNJAB ...RESPONDENT

CORAM: HON’BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Varun Sharma, Advocate for the petitioner.
Ms. Navreet Kaur Barnala, AAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
87	24.05.2025	Division No.1, Police Commissionerate Jalandhar	309(4)/3(5) of BNS, wherein during the course of investigation, Section 317(2) of BNS has been added

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 11 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the order dated 04.07.2025 passed by the Sessions Judge, Jalandhar, which reads as follows:

“In brief the facts of the prosecution case are that FIR was registered on the basis of statement made by Jolly Mahey son of Sodhi Ram. It was submitted that he had gone to Mata Vaishno Devi on his Aactiva scooter bearing No.PB-08-DW-4532 and on 19.5.2025 at about 1:30 a.m, when he was coming back from that place and reached at Y-Point Bhagat Singh Colony and was going on the Maqsudan flyover, then three persons came from his back on a motorcycle. The person who was sitting in the last on that motor cycle had hit something at his back with force and he immediately slow down and then the said person gave another blow at his back due to which he fell down from his Aactiva scooter. The said persons came near him and they snatched his mobile phone make Motorola having SIM No.8289047221, his purse containing Rs.3,000/- approximately and Aactiva scooter by threatening him. He could not read the number of their motor cycle. The said persons were aged about 20/22 years and he can identify them if they brought before him. Action be taken.



named in the FIR and FIR was lodged after a delay of 05 days. The petitioner’s counsel, on instructions, states that, if this Court grants bail to the petitioner, he undertakes to live like a decent human being and fully cooperate with the investigator and he would help in recovery of the alleged amount. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail on instructions.

REASONING:

6. FIR was registered against unknown persons and there is a delay of 05 days in lodging the same. Activa used in the crime has already been recovered and only recovery of amount of Rs.3,000/- remains. Co-accused already granted regular bail. As such, petitioner is entitled to bail subject to rider, he shall cooperate in the recovery of proceeds of crime. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

7. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. This order is subject to the petitioner’s complying with the following terms.

11. The petitioner is directed to join the investigation and cooperate in the recovery of proceeds of crime within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The



petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

12. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

16.07.2025
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(ANOOP CHITKARA)
JUDGE

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