

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

2025:PHHC:124754



(216)

CRM-M-41808-2025
Decided on : 11.09.2025

Satinder Kumar @ Montu

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE SUMEET GOEL

Present: Mr. A.K. Khunger, Advocate, for the petitioner (s).

Mr. Jaypreet Singh, DAG, Punjab.

Sumeet Goel (Oral):

1. Instant petition is preferred under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.51 dated 13.06.2025 under Sections 316(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 7 of Essential Commodities Act, 1955 (offence under Sections 318(4) & 61(2) of BNS have been added later on vide DDR No.20 dated 09.07.2025), registered at Police Station Sadar Abohar, District Fazilka.

2. On 04.08.2025, the following order was passed:

“Instant petition is preferred under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.51 dated 13.06.2025 under Sections 316(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 7 of Essential Commodities Act, 1955 (offence under Sections 318(4) & 61(2) of BNS have been added later on vide DDR No.20 dated 09.07.2025), registered at Police Station Sadar Abohar, District Fazilka.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case

on account of having some financial transactions inter se him and co-accused. Further, the petitioner has been nominated as accused only on the basis of disclosure statement made by co-accused during the custodial interrogation. It is trite law that any statement made by co-accused while in police custody 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). Furthermore, FIR (supra) has been registered in haste without examining the veracity of the allegations. The petitioner is having clean antecedents and is not involved in any other case.

Notice of motion for 11.09.2025.

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 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.”

3. Learned State counsel (on instructions) 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 04.08.2025 granting 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.

September 11, 2025

Naveen

**(SUMEET GOEL)
JUDGE**

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No