

2025:PHHC:118910



211 (1st case)

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

CRM-M-42378-2025

Date of decision: September 03, 2025

Munish Kumar @ Sabu

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Munish Puri, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of concession of anticipatory bail to the petitioner in case FIR No.80 dated 15.07.2025, under Sections 61, 78(2) of the Punjab Excise Act, and Section 318(4) of the BNS, 2023 (Section 111 of BNS added later on), registered at Police Station Sadar, District Pathankot.

2. On 05.08.2025, the following order was passed:

"Apprehending his arrest in FIR No.80 dated 15.07.2025 registered for offences punishable under Sections 61, 78(2) of Punjab Excise Act and Section 318(4) of BNS 2023 (Section 111 of BNS 2023 added lateron) at Police Station Sadar, District Pathankot; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated into the FIR in question, no person was arrested from the spot and the story put forth by the prosecution is highly

unbelievable, the car (alongwith liquor bottles) already stand recovered & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On the strength of advance notice; Mr. Eklavya Darshi, DAG, Punjab has entered appearance on behalf of the respondent-State of Punjab.

Adjourned to 03.09.2025.

The petitioner is directed to appear before the Investigating Officer on 12.08.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.”

3. Learned State counsel (on instructions) has stated that pursuant to the order dated 05.08.2025, the petitioner has indeed joined investigation, and his custodial interrogation is not required.

4. Having heard learned counsel for the parties and upon perusal of the record and in view of the stance of the State, the interim order dated 05.08.2025 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

5. Petition stands allowed, accordingly.

6. 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.

7. 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, 2023 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

September 03, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No