



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
105

CRM-M No.42683 of 2025
Date of decision: 06.08.2025

Shyam Lal ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Anmol, Advocate,
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
58	14.05.2025	Kulgari, District Ferozepur	331(4) and 305 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the basis of statement recorded by the complainant Kavita alleging that she along with her mother-in-law had gone to Ludhiana on 10.05.2025 and came back on 13.05.2025. There was none else in their house during this

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period. On reaching home, she saw the windowpanes and locks of the room to be broken. Even locks of almirah were found to be broken and several silver and gold ornaments, cash amount of Rs.20,000/- and some other domestic articles were found to be missing. She alleged that she made inquiries at her own level and came to know that accused Kalu and Rishi had hand in the incident. After registration of FIR, investigation proceedings have been initiated. The accused Suraj @ Sona was arrested on 27.05.2025. He suffered disclosure statement to the effect that he along with accused Rishi had committed the theft and the stolen articles were sold to the petitioner. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Ferozepur vide order dated 08.07.2025.

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 co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. No recovery is to be effected from him. He is ready to join the investigation. It is, therefore, urged that the petition deserves to be allowed.

4. Notice of motion.

5. Ms. Ramta Chowdhary, DAG, Punjab has advance notice of the petition and is ready to argue the matter. It is submitted by her that

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the petitioner has been nominated on the basis of disclosure made by accused Suraj according to whom the articles stolen from the house of the complainant had been sold to the petitioner. For effecting recovery of those articles, conducting proper investigation in the matter and to elicit information as to the manner in which the subject offences had been committed, the custodial interrogation of the petitioner is must. It is also argued that no extraordinary or sparing circumstance warranting exercise of powers for grant of pre arrest bail is made out. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have purchased the articles stolen from the house of the complainant by the co-accused. For the purpose of conducting a deeper and proper probe in the matter as well as for effecting recovery of stolen articles, the custodial interrogation of the petitioner is required. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The powers of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed.

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Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.08.2025

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No