



CRM-M-47482-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-47482-2025
Decided on: 20.11.2025

Shiv Kumar @ Mota

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

1. Present petition has been filed, under section 482 B.N.S.S., 2023 (Equivalent to Section 438 Cr. P.C.) for grant of anticipatory bail to the petitioner in case registered, vide FIR No.04 dated 04.01.2024 under Section 379-B, 307, 34, 120-B, 115, 326 of IPC, 1860 and 25, 27, 29 of Arms Act, 1959, at Police Station Nakodar Sadar, District Jalandhar Rural.

2. On 28.08.2025, following order was passed:-

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Shiv Kumar @ Mota, aged 38 years	04	04.01.2024	379-B, 307, 34, 120-B, 115, 326 of IPC, 1860 and 25, 27, 29 of Arms Act, 1959	Nakodar Sadar	Jalandhar Rural



2. *Learned counsel for the petitioner contends that the incident allegedly took place on 01.01.2024, whereas FIR was registered on 04.01.2024. As per allegations, when complainant – Kuldeep Singh was returning from his poultry farm on a motorcycle, two unknown persons with muffled faces, also riding a motorcycle, snatched ₹2,000/- from his pocket and thereafter attacked him with a 'datar' and also fired one shot from a pistol. The complainant, however, succeeded in controlling the situation and, with the help of nearby people, apprehended accused Surender Pal, who subsequently disclosed the name of Jatinder Kumar in his disclosure statement, as his associate present at the time of incident.*

It is further contended that upon the arrest of Jatinder Kumar, he too made a disclosure statement stating that both of them had attacked the complainant at the instance of Gurmeet Singh. Accordingly, offence under Section 120-B IPC was added and Gurmeet Singh was arrested on 10.07.2025. On interrogation, Gurmeet Singh disclosed that the complainant had a dispute with one Parminder Singh (his cousin and also related as Jija– Sala of the complainant), and that Parminder Singh had paid an amount of ₹2,00,000/- to the present petitioner – Shiv Kumar @ Mota, for arranging the killing of the complainant. The allegation against the petitioner is that he received ₹2,00,000/- from Parminder Singh and handed it over to Gurmeet Singh, who in consequence engaged Surender Pal and Jatinder Kumar as assailants.

3. *Learned counsel for the petitioner submits that petitioner has no personal interest or enmity with either of the parties and there was no occasion for him to get involved in any such conspiracy. Even if the allegations are taken at their face value, merely handing over an amount allegedly*



received from Parminder Singh to Gurmeet Singh, by itself, would not necessarily establish the intention or object behind it. Thus, petitioner cannot be alleged to be an accused in the present case.

It is further submitted that nothing has been recovered from the possession of the petitioner; thus his custodial interrogation would not serve any useful purpose. Petitioner is ready and willing to join the investigation, if protected from arrest. Accordingly, learned counsel prays for grant of concession of anticipatory bail to the petitioner.

4. Notice of motion.

5. On advance notice, learned State counsel puts in appearance on behalf of the respondent – State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report by verifying the submissions addressed by the petitioner’s counsel.

6. Adjourned to 20.11.2025.

7. In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

8. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.”



3. Continuing his submissions, learned counsel for the petitioner contends in compliance with the order dated 28.08.2025 passed by the Court, petitioner has joined the investigation and has extended full cooperation. Therefore, he prays for confirmation of the said interim anticipatory bail order.

4. Learned State counsel on instructions from ASI Tirath Ram, confirms the said averment made by counsel for the petitioner of joining investigation on 09.09.2025 by the petitioner, and submits that as of now, custodial interrogation of the petitioner is not required for the purpose of investigation.

5. Heard learned counsel for the parties.

6. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 28.08.2025, passed by the Court is hereby made absolute. Accordingly, present petition is allowed.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

7. Accordingly, petition stands disposed of.

However, present order would be subject to the submission of his passport to the Investigating Agency or to Court concerned, if he possesses, within a period of one week from today. Otherwise, he would submit an affidavit, disclosing the fact that he does not possess any passport.



CRM-M-47482-2025

5

It is clarified that in case, aforesaid condition is not complied with, this order would be considered as *non est* automatically.

(SANJAY VASHISTH)
JUDGE

20.11.2025
ankit

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO