

2025:PHHC:168890



205

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60307-2025

Nitesh Kumar

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: December 04, 2025

Date of Uploading: December 04, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

Mr. Arpan Sabharwal, Advocate for the complainant.

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.163 dated
03.09.2025, registered for offences punishable under Sections 420, 406 and
120-B of the IPC, 1860, at Police Station Division No.1, District Police
Commissionerate, Jalandhar.

2. On 30.10.2025, the following order was passed:

*“Apprehending his arrest in FIR No.163 dated 03.09.2025,
registered for offences punishable under Sections 420, 406 and 120-B of
the IPC, 1860, at Police Station Division No.1, District Police
Commissionerate, Jalandhar; the petitioner has preferred this petition
under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking
pre-arrest bail.*

*Inter alia contends that the FIR in question was registered in
September 2025 for an offence which pertains to the year 2022-2023; the
petitioner is having clean antecedents & is willing to join investigation and
cooperate therein.*

Notice of motion.

On the strength of advance service of copy of petition, Mr. Amit Kumar Goyal, Additional AG Punjab appears and accepts notice on behalf of the respondent – State of Punjab.

Mr. Arpan Sabharwal, Advocate appears and accepts notice on behalf of the complainant.

Put up on 01.12.2025.

The petitioner is directed to appear before the Investigating Officer on 04.11.2025 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 30.10.2025, the petitioner has indeed joined investigation, but his custodial interrogation is required for recovery of money in question.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that allegations against the petitioner are serious in nature. Learned counsel has further submitted that money in question is yet to be recovered from the petitioner, and in case, the petitioner is extended the concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice and interfere in the prosecution evidence.

5. Having heard learned counsel for the parties and upon perusal of the record; especially in view of the factum of the petitioner having joined investigation and his custodial interrogation being sought only for effecting recovery of money in question, the interim order dated 30.10.2025 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

6. Petition stands allowed, accordingly.

7. 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.

8. 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.

9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

December 04, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No