

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:000431



CRM-M No. 65539 of 2024 (O&M)

Date of Decision: 07.01.2025

Ashwani Kumar and another

.....Petitioners

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present : Mr. Harjinder Singh, Advocate, for the petitioners.
Mr. Gagneshwar Walia, Addl. Advocate General, Punjab.
Mr. Sandeep Arora, Advocate, for the complainant.

SHEEL NAGU, CHIEF JUSTICE (Oral)

Learned counsel for the petitioners at the very out prays for withdrawal of anticipatory bail application so far as it relates to petitioner No.2-Sunny Verma. Accordingly, the petition stands dismissed as withdrawn qua petitioner No.2-Sunny Verma.

2. As regards petitioner No.1-Ashwani Kumar who is alleged with the offence of theft of gold articles along with his two sons, namely, Sunny Verma and Mani Verma, apprehends his arrest in respect of the aforesaid offences in FIR No. 112, dated 07.11.2024 under Sections 316(2), 318(4), 61(2) and 351(3) of the Bharatiya Nyaya Sanhita-2023 registered at Police Station Division No.2, District Police Commissionerate, Jalandhar.

3. Petitioner No.1-Ashwani Kumar has already been granted anticipatory bail by this Court vide order dated 28.11.2024 passed in CRM-M No. 58749-2024 on the ground of his old age and in the absence of any criminal antecedents in FIR No. 110 dated 30.10.2024 under Sections 316(2), 318(4), 61(2) and 351(3) of the Bharatiya Nyaya Sanhita-2023 registered at Police Station Division No.2, District Police

Commissionerate, Jalandhar. The present case is also of similar nature as alleged in FIR No. 110 dated 30.10.2024.

4. Looking to the age of petitioner No.1-Ashwani Kumar and in the absence of any criminal antecedents, this Court extends the benefit of anticipatory bail to him subject to his furnishing bail bonds for a sum of Rs.50,000/- with two sureties of the like amount each to the satisfaction of Arresting/Investigating Officer with stringent conditions. However, petitioner-Ashwani Kumar shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. In case petitioner No.1-Ashwani Kumar does not join the investigation, the State is free to move an application for cancellation of his bail.

5. This order shall also remain subject to the following condition:-

- i) The petitioner No.1-Ashwani Kumar shall plant 10 saplings of indigenous plants at a public place and submit proof in that regard by way of photographs before the concerned Police Station where the FIR has been registered within a period of 15 days and if there is no such intimation submitted or intimation is found to be incorrect, then the State can move an application for cancellation of his bail.

6. The petition stands allowed qua petitioner No.1-Ashwani Kumar.

(SHEEL NAGU)
CHIEF JUSTICE

07.01.2025
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√