



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

109

CRM-M-16921-2026 (O&M)

Date of decision : 21.05.2026

Amarjit Singh Luthra

..... Petitioner

VERSUS

Manish Jain

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Roop Jain, Advocate for the respondent.

SURYA PARTAP SINGH, J. (Oral)

This petition for pre-arrest bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of a complaint bearing No.COMI-26-2025 dated 11.07.2025, titled as 'Manish Jain V/s Amarjit Singh Luthra & Ors.', wherein the petitioner has been summoned to face trial by virtue of order dated 02.01.2026 passed by the Court of learned Chief Judicial Magistrate SBS Nagar, for the commission of offence punishable under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhita, 2023.

2. Vide order dated 27.03.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bail/surety bonds to the satisfaction of learned trial Court. It was also directed that the petitioner shall appear before the learned trial Court.

3. It has been contended by learned counsel for the petitioner that the petitioner has been summoned as an accused in a private complaint, and



that in view of order dated 27.03.2026, whereby the benefit of interim anticipatory bail was accorded to the petitioner, the petitioner has already put in appearance before the learned trial Court and therefore, a request has been made that the order dated 27.03.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, be made absolute.

4. The learned counsel for the respondent has controverted the abovementioned arguments. It has been contended by learned counsel for the respondent that the petitioner is not entitled to anticipatory bail in view of the fact that he has suppressed the material fact from the Court. According to learned counsel for the respondent, the petitioner did not appear before the learned trial Court on service of summons, and thereafter, his bailable warrants, non-bailable warrants and proclamation were issued.

5. With regard to abovementioned submissions, the learned counsel for the respondent has contended that the petitioner was seeking remedy before the Court of Sessions, and that during the course of process, i.e. on the same day, when the anticipatory bail before the Court of Sessions was fixed, the warrant was ordered to be issued.

6. The record has been perused carefully.

7. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that the petitioner has already appeared before the learned trial Court;
- ii. that the offence is triable by the Court of Judicial Magistrate;



- iii. that the maximum punishment prescribed for the commission of abovementioned offence is imprisonment up to seven years;
- iv. that the evidence to be produced before the learned trial Court is the documentary in nature;
- iv. that the trial is not likely to be concluded in near future;
- v. that custodial interrogation of the petitioner is not possible as the petitioner has been summoned in a private complaint;
- vi. that there is nothing on record to show that if the order dated 27.03.2026 is made absolute, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- vii. that there is nothing on record to show that if order dated 27.03.2026 is made absolute, the petitioner will not participate/cooperate in the trial.

8. Taking into consideration the cumulative effect of all the abovementioned factors and the fact that the petitioner has already appeared before the learned trial Court, it is hereby ordered that the petitioner is entitled to anticipatory bail. Hence, the present petition is hereby ***allowed*** and the order dated 27.03.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

9. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

21.05.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No