



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-68385-2025
Decided on: 19.02.2026

SAMMA
.....Petitioner
Versus
STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rajesh Kapila, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

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
Samma, aged about 38 years	118	31.10.2025	331(3), 305 of BNS (sections 317(2), 111of BNS has been added later on)	Smalsar	Moga

2. On 04.12.2025, 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:-



<i>Name & age of Petitioner (s)</i>	<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
<i>Samma, aged about 38 years</i>	<i>118</i>	<i>31.10.2025</i>	<i>331(3), 305 of BNS (sections 317(2), 111of BNS has been added later on)</i>	<i>Smalsar</i>	<i>Moga</i>

2. *Learned counsel for the petitioner contends that co-accused namely Bhajan Lal @ Jogi, has already been granted the concession of regular bail by the Court of learned Additional Sessions Judge, Moga, after the recovery of all material items from him, i.e. one male gold ring, one pair of gold earrings, one gold pair of earrings, one silver kara, and two ladies’ silver bangles. It is, therefore, submitted that the necessary recoveries stand effected from the co-accused and petitioner has been unnecessarily implicated despite being innocent.*
3. *To demonstrate his bona fide, counsel further submits that petitioner is willing to deposit an amount of Rs.1,00,000/- in the form of an FDR from a nationalised bank before the trial Court/Area Magistrate, subject to the final outcome of the case. Thus, counsel prays that petitioner be granted the concession of anticipatory bail in the present matter.*
4. *Notice of motion.*
5. *On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter.*
6. *Adjourned to 19.02.2026.*
7. *Let an FDR in the sum of Rs.1,00,000/- be deposited by the petitioner before the trial Court/Area Magistrate, within a period of ten days from today. Upon such deposit, petitioner shall be directed to join the investigation as and when required by the Investigating Agency. In the event of his arrest, 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 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 also 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 that in compliance of the order dated 04.12.2025, passed by this Court, petitioner has joined the investigation, and has fully co-operated.

Learned counsel for the petitioner further submits that vide order dated 24.12.2025, the time period for depositing the FDR was extended up to 08.01.2026. He contends that petitioner has duly complied with the order dated 24.12.2025, by depositing the said amount as directed by this Court.

Accordingly, it is prayed that the interim anticipatory bail granted to the petitioner be confirmed.

4. On the other hand, learned State counsel has filed status report dated 18.02.2026 in the Court today and the same is taken on record.

Learned State counsel on instructions, confirms the said averment made by counsel for the petitioner of joining the investigation on 06.01.2026 by the petitioner, and submits that as of now, custodial interrogation of the petitioner is not required for the purpose of investigation. He also concedes the statement made by counsel for the petitioner that petitioner has already deposited the FDR, in terms of the direction issued by this Court.

5. Heard learned counsel for the parties.



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6. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 04.12.2025, passed by this 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 passport of the petitioner 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.

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

(SANJAY VASHISTH)
JUDGE

19.02.2026

Lavisha

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