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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.73192 of 2025
Date of decision: 10.02.2026

Bittu Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Piyush Setia, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
73	25.07.2025	Sadar Abohar, District Fazilka	303(2) and 317(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of this petition

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are that the aforementioned FIR was registered on the allegations that on 25.07.2025, a police party was patrolling in the area of service road Fazilka-Malout Bypass Flyover, when three youths were found riding on a motorbike. On signal, they stopped their vehicle and on asking they disclosed their names as Vinod Kumar, Sunny Java and Mahavir. They could not give any satisfactory reply with regard to the ownership of the bike and then disclosed that the same was a stolen vehicle. The vehicle was taken into possession. The above named persons were formally arrested.

3. On interrogation, the accused Vinod Kumar suffered disclosure statement to the effect that they had been committing theft of motorbikes and then sell the same to the present petitioner. He was nominated as an accused. It was revealed that accused Vinod Kumar, Sunny Java and Mahavir committed thefts of motorbikes and the petitioner after receiving those motorbikes, used to dismantle the same and sell the part thereof. Five stolen bikes were recovered from his shop. Apprehending his arrest, the petitioner filed an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Fazilka vide order dated 10.09.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence.

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He runs a motorbike repair shop and mere presence of some vehicles at his shop does not attract any criminal liability. There is no material on record to show that he had any knowledge of the motorbikes kept at his shop were stolen property. The recovery of motorbike has been effected from the co-accused. Nothing is to be recovered from him. He is ready to join investigation. His custodial interrogation is not required. It is, therefore, argued that the petition deserves to be allowed.

5. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that for conducting thorough and proper investigation in the matter and to find out the modus operandi of the whole operation for commission of subject offences, the custodial interrogation of the petitioner is must. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have indulged in the illegal activity of purchasing stolen motorbikes. He was not named in the FIR and has been implicated on the basis of disclosure statement of the co-accused. Recovery of motorbike which is subject matter of this case already stands effected. There is no material on record at this stage to show that the bikes allegedly kept at the shop of the victim were stolen bikes and any complaints/FIRs had been registered against him. Given the nature of the allegations as levelled against the petitioner and the circumstances

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peculiar to the case, this Court is of the considered opinion that no case for pre trial incarceration of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and shall join investigation and on his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to its satisfaction and subject to the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required.
- (ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall not commit any similar offence while on bail.
- (iv) He shall not leave the country without prior permission of the Court.
- (v) He shall deposit his passport if any, with the jurisdictional Magistrate/trial Court.

8. In case of violation of any of the above conditions, the

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jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.02.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No