



CRM-M-48684-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-48684-2024 (O&M)
Date of Decision: 01.04.2025

Anup Sharma

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. S.S.Chahal, AAG, Punjab.

Mr. Bhanu Partap, Advocate and
Mr. Vaibhav Mittal, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No. 96 dated 26.07.2023(P-1), under Sections 406 and 420 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sarabha Nagar, District Ludhiana.

2. Allegations are that petitioner purchased one Audi car from the *de facto* complainant and agreed to pay the instalments of the loan amount to *de facto* complainant-AU Small Finance Bank Limited; but he did not pay even a single instalment.

3. Contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 01.10.2024 and in pursuance thereof, he has already joined investigation. Also contends while making reference to



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Annexure P-3, that car in question has already been recovered by the Police; hence, his custodial interrogation is not required.

4. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and submits that his custodial interrogation is not required “at this stage”.

5. On the other hand, learned Counsel for the complainant vehemently opposed the prayer on the premise that petitioner has not paid any instalment of the car loan.

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that petitioner was granted interim bail by a Coordinate Bench while issuing notice of motion, vide order dated 01.10.2024 and the order reads as under:-

“Apprehending his arrest in FIR No.96 dated 26.07.2023, registered under Sections 406/420 IPC at Police Station Sarabha Nagar, District Ludhiana, petitioner seeks pre-arrest bail.

Notice of motion.

On the asking of the Court, Mr. Solomon Partap Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Mr. Bhanu Pratap Singh, Advocate has entered appearance on behalf of the complainant and does not dispute that now the vehicle has been returned but submits that the same has been returned to the bank and not to the complainant after 4 years.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 22.10.2024.

Adjourned to 11.12.2024 to await report.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 482 BNSS.”

8. It is duly acknowledged by learned State Counsel that in

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pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

9. So far as the payment of instalments is concerned, the complainant may avail the remedy in accordance with law, if so desire. Moreover, the custodial interrogation of the petitioner is not required by the State, therefore, the objection raised by learned counsel for the complainant is rejected.

10. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 01.10.2024 is made absolute subject to the conditions as envisaged under Section 482(2) of BNSS.

11. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

12. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

13. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

01.04.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No