

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:099201



101

CRM-M-41635-2025
Date of decision:02.08.2025

Anil Kumar & others

... Petitioners

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioners.

Ms. Ramta Chowdhary, DAG, Punjab.

Mr. Udayveer Singh, Advocate for respondent No.2.

Mr. Deepak Arya, Advocate for respondent No.3.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition for grant of pre-arrest bail to the petitioners in case arising out of FIR No.119, dated 09.12.2024, under Sections 331(4), 305 of the BNS (Section 317(2) of the BNS added lateron), registered at Police Station Kabarwala, District Sri Muktsar Sahib. The previous petition bearing No.CRM-M-21192-2025 filed by the petitioners has been dismissed as withdrawn vide order dated 04.07.2025.

2. The aforementioned FIR was registered on the complaint lodged by the complainant – Jagtar Singh alleging theft of basmati paddy lying in his courtyard by the co-accused Yadwinder Singh @ Bhunsi, who was arrested on 22.12.2024 and suffered disclosure statement to the effect

that the stolen paddy had been sold to the present petitioners. The petitioners, were as such nominated as accused.

3. It is argued by learned counsel for the petitioners that after dismissal of their previous petition by this Court, there is a change in the circumstances since a compromise has been effected between the petitioners themselves, the complainant and another victim Lakhwinder Singh. An affidavit has also been sworn in this regard. In view of this compromise, the custodial interrogation of the petitioners is not required. Since, no recovery is to be effected from them. They are ready to join the investigation. It is, therefore, argued that the petition deserves to be allowed.

4. Notice of motion.

5. On the asking of the Court, Ms. Ramta Chowdhary, learned DAG, Punjab has accepted notice. At this stage, power of attorney on behalf of the respondent No.3 and memo of appearance on behalf of respondent No.2 has been filed. Learned counsel for the respondents have affirmed the factum of a settlement having been arrived at between the petitioners and themselves and have stated that the victims have no objection if the petition is allowed and no recovery is to be effected from the petitioners.

6. Though, at this stage, this Court is not required to take into consideration the factum of any compromise between the parties, however, keeping in view the peculiar facts and circumstances, this Court is of the considered opinion that the custodial interrogation of the petitioners is not required. As such, a case for grant of pre-arrest bail is made out. Accordingly, the petition is allowed. The petitioners are ordered to be admitted to bail subject to their surrendering before the Investigating

Officer/Arresting Officer within a period of ten days from the date of passing of this order and joining investigation and further subject to their furnishing personal as well as surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall also abide by the conditions as envisaged under Section 482(2) of BNS.

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

10. Since the main petition has already been allowed, pending application(s), if any, shall also stand disposed of.

(MANISHA BATRA)
JUDGE

02.08.2025

harjeet

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No