

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:098540



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CRM-M-40934-2025

Date of decision:02.08.2025

Prince Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bhavesh Aggarwal, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.32, dated 23.03.2022, under Sections 380, 457, 411 IPC, registered at Police Station Division No.2, District Ludhiana City.

2. The aforementioned FIR has been registered on the allegations that on 23.03.2022, a police party headed by ASI Buta Singh was present at Civil Hospital Chowk, Ludhiana. A secret information was received that Gurpreet Singh @ Money, Chandan Kumar and Sonu Kumar were indulged in committing theft after breaking shutters of different shops during night time and used to sell the stolen articles. It was further informed that they could be apprehended and stolen articles could be recovered from them if a search was conducted in a particular area in the vicinity. Believing the secret

information to be true, a raiding party was immediately formed which apprehended accused Gurpreet Singh, Chandan Kumar and Sonu Kumar. They were interrogated. Accused Chandan Kumar suffered disclosure statement to the effect that he used to sell stolen articles to the petitioner. As such, the petitioner was nominated as an accused. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 22.07.2025.

3. 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. There is no allegation that articles belonging to any particular person had been stolen. Recovery of some stolen articles has been effected from co-accused. No recovery is to be effected from the petitioner. His custodial interrogation is not required. He is ready to join the investigation. There is nothing on record to connect him with the subject offences. It is, therefore, argued that he deserves to be released on bail. However, while admitting the fact that proclamation proceedings have been presently initiated against the petitioner, it is submitted that nonetheless the petition moved by the petitioner is maintainable.

4. Per contra, learned State counsel has argued that the present petition is not maintainable since proclamation has been ordered to be issued against him for 25.08.2025 and he has been avoiding his arrest since long. It is also submitted that recovery of stolen articles is to be effected from him. Hence, it is urged that the petition is liable to be dismissed on the ground of

maintainability and even otherwise.

5. This Court has heard the rival submissions made by learned counsel for the parties carefully.

6. So far as the argument as to maintainability of the petition due to the reason that proclamation proceedings against the petitioner are pending, is concerned, it may be stated that pendency of such proceedings and even declaration of an accused as a proclaimed person does not impose a total embargo on the grant of anticipatory bail as observed by the Hon'ble Apex Court in **Asha Dubey Vs. State of Madhya Pradesh, 2024(4) Crimes 449**. Therefore, simply because of the reason that proclamation proceedings are pending against the petitioner, this petition cannot be stated to be not maintainable. The petitioner is alleged to have purchased some stolen articles from the co-accused. He has been nominated on the basis of disclosure statement of the co-accused. It is not the case of the respondent/State that any particular article is to be recovered from him. It is also a debatable question that infact any recovery of stolen article is to be effected from the petitioner since there is nothing on record to suggest that any public person had made any complaint qua theft of any article. Rather it is apparent that the FIR was lodged on the basis of some secret information without any complaint having been filed by any aggrieved person.

7. Given the nature of the allegations, 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 surrender before the Investigating Officer within a period of fifteen days from the date of

passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and 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.

8. In case of violation of any of the above conditions, the 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. Since the main petition has already been allowed, pending application(s), if any, shall also stand disposed of.

02.08.2025

harjeet

(MANISHA BATRA)
JUDGE

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