



CRM-M-12472-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-12472-2025
Decided on: 29.09.2025

ASHU SHARMA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kartik Patial, 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
Ashu Sharma, aged about 25 years	305	12.12.2024	420, 120-B of IPC	Kharar	SAS Nagar (Mohali)

2. On 28.07.2025, 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:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Ashu Sharma, aged about 25 years	305	12.12.2024	420, 120-B of IPC	Kharar	SAS Nagar (Mohali)



2. *Though learned State counsel argues that petitioner Ashu Sharma is the main accused and prays that instant anticipatory bail petition be dismissed.*

However, this Court is surprised to notice that the complaint was filed by the complainant on 09.07.2024 and thereafter, FIR was registered on 12.12.2024. Besides, co-accused Sukhwinder @ Sukhwinder Singh and Babal Sharda, were though granted anticipatory bail, but the bail plea of Jyoti Gautam has already been dismissed and despite there being no protection, petitioner is not arrested by the Investigating Officer, for the reasons best known to him/her.

3. *In view of this, it appears that prosecution itself is not interested in affecting arrest of the petitioner. Therefore, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the 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 be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

4. *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.

5. *List again on 25.09.2025.*

6. *A copy of this order be sent to the concerned Senior Superintendent of Police (SSP) to initiate departmental enquiry in the matter qua the erring police official/Investigating Officer, as to why no action in law was taken, despite there being no protection to accused in the FIR case, which was registered on 12.12.2024.*

7. *On the next date of hearing, the Court shall be apprised of the action taken by the Senior Superintendent of Police in compliance with this direction.”*

3. Thereafter, on 25.09.2025, following order was passed by this Court:-



“1. *Learned State counsel submits that in pursuance to the direction passed in the order dated 28.07.2025, departmental inquiry has already been initiated against the erring official and in that regard, status report dated 24.09.2025 has been produced in the Court today, and he reads out paragraph No.5 of the same. Status report is ordered to be taken on record. Registry is directed to tag the same at the appropriate place on the file.*

2. *Learned State Counsel further submits that although petitioner has joined the investigation on 24.09.2025, but he has neither surrendered his passport nor filed any affidavit stating that he does not possess the same.*

3. *At this stage, counsel for the petitioner prays for grant of a short accommodation, to do the needful.*

4. *On request, adjourned to 29.09.2025.
To be shown in the urgent list.*

5. *Interim order to continue, till the next date of hearing.”*

4. Continuing his submissions, learned counsel for the petitioner contends that in compliance of the order dated 28.07.2025, passed by this Court, petitioner has joined the investigation, and has fully co-operated. Therefore, he prays for confirmation of the said interim anticipatory bail order.

4. Learned State counsel on instructions from ASI Balvinder Kumar, confirms the said averment made by counsel for the petitioner of joining the investigation on 24.09.2025 by the petitioner.

5. With respect to the surrendering of passport by the petitioner, learned State counsel submits that, in compliance with the order dated 25.09.2025 passed by this Court, petitioner has now surrendered his passport. It is further submitted that, as of now, custodial interrogation of the petitioner is not required for the purpose of investigation.



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6. Heard learned counsel for the parties.

7. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 28.07.2025, 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.

8. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

29.09.2025
Lavisha

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