



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CRM-M-26336-2025 (O&M)
Date of decision: 15.07.2025**

Shakil

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bhaskar Sorout, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.528 dated 28.12.2024 under Sections 137, 140(2), 304, 308(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 137 & 140(2) of BNS were deleted and Section 308(2) of BNS was added later on), registered at Police Station Hodal, District Palwal.

2. On 14.05.2025, the following order was passed:-

“XX XX XX XX

Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR (supra) and he has been nominated as accused only on the basis of disclosure statement suffered by co-accused Aadil during his custodial interrogation, which has no evidentiary value in the eyes of law, as the same is hit by Sections 25 & 26 of Indian Evidence Act, 1872 (now Section 23(1)(2) of



Bharatiya Sakshya Adhinyam, 2023). Further, recovery of ATM cards and motorcycle has already been effected from co-accused. The petitioner is not involved in any other case and he is having clean antecedents.

Notice of motion for 15.07.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”



3. Learned State counsel, on instructions from ASI Rajesh Kumar, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 14.05.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).

5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.07.2025

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No