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

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**CRM-M-53368-2025 (O&M)
Date of decision: 22.09.2025**

Junaid

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Himanshu Munjal, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 0084 dated 24.04.2025, registered under Sections 303(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 317(2), 318(2), 318(4), 319(2), 336(2), 336(3), 340(2) and 341(2) of BNS added later on) at Police Station Sahnewal, District Police Commissionerate Ludhiana.

2. The aforementioned FIR has been registered on the basis of a statement recorded by complainant Rajeev Ghai on 24.04.2025, owner of Ghai Transport Company, alleging that he owned a ten tyres truck bearing registration number PB-03-AC-5697. On the previous night, his driver had parked the aforesaid truck at Anmol Kanta. Iron sheets weighing 40 tons were

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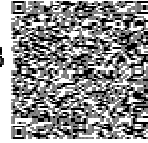
loaded in that truck. In the morning, the truck along with the material loaded thereon was found to be stolen. Gurwinder Singh @ Kala, who had previously been employed as driver on the said truck, was also found missing. While raising suspicion on him, the complainant prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. Accused Gurwinder Singh was arrested on 04.06.2025. The said truck was recovered from him. Subsequently, co-accused Sonu was arrested and on the basis of his disclosure statement to the effect that he had a hand in the theft and he had sold the stolen property to the petitioner, he was nominated as such. Investigation is underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Ludhiana but the same had been dismissed, vide order dated 30.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. The disclosure statement suffered by the co-accused cannot be considered to be admissible in evidence. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by him that there are serious allegations against the petitioner. For conducting thorough investigation as well as for effecting recovery of the stolen iron sheets, custodial interrogation of the petitioner is required. It is, thus, argued that the petition is liable to be

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dismissed.

6. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

7. The petitioner is alleged to have received the stolen property from co-accused Sonu. As per the allegations, he had purchased 10 iron sheets from co-accused Sonu. For effecting recovery of these iron sheets as well as for conducting a proper probe in the matter, the custodial interrogation of the petitioner is required. Even otherwise, no exceptional or extraordinary case has been made out in favour of the petitioner for grant of anticipatory bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. It has also to be seen that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no

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merit, the petition is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

22.09.2025

Waseem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No