



CRM-M-11483-2025

**215 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

CRM-M-11483-2025

Date of decision: 04.04.2025

Amandeep Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Lakhwinder S. Sidhu, Advocate  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

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**MANISHA BATRA, J (ORAL)**

This is the second petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (equivalent of Section 438 of Cr.P.C.) for grant of pre-arrest bail in case arising out of FIR No.164 dated 31.08.2023 under Section 406 of IPC registered at Police Station Bagha Purana, District Moga. His previous bail petition bearing CRM-M-53624-2023 had been dismissed as withdrawn vide order dated 04.01.2024.

2. Vide order dated 01.03.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 01.03.2025, passed by this Court, reads as under:

*The instant one is the 2<sup>nd</sup> petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (equivalent of Section 438 of Cr.P.C.) for grant of pre-arrest bail in case arising out of FIR No.164 dated 31.08.2023 under Section 406 of IPC registered at Police Station Bagha Purana, District Moga. His previous bail*



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*petition bearing CRM-M-53624-2023 had been dismissed as withdrawn vide order dated 04.01.2024.*

*The aforementioned FIR has been registered on the basis of a statement recorded by the complainant - Jaswinder Singh who was a Power of Attorney holder of a multiaxial truck bearing PB-14-V-9825, to the effect that one Sukhmander Singh was registered owner of the above said vehicle. As a Power of Attorney holder, he had been using the truck and had been making repayment of installments of loan taken for the said vehicle. On 14.07.2023, the above said vehicle was given by him to the petitioner who has been employed by him as a driver to deliver maize crops in Gujarat. The petitioner did not hand over the vehicle back to him till 31.08.2023 and had even stopped responding to his calls and therefore, he prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail who was dismissed by learned Additional Sessions Judge, Moga vide order dated 06.10.2023. Thereafter, he filed a petition before this Court which was dismissed as withdrawn by him. The petitioner again moved an application for pre-arrest bail before learned Additional Sessions Judge, Moga which too had been dismissed vide order dated 27.08.2024.*

*It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the vehicle in question had been returned by him to the complainant and it was the complainant who had concealed this fact. This vehicle now stands recovered by the police as it was in the possession of the financier of the same. No recovery is to be effected from the petitioner. He is ready to join the investigation. His custodial interrogation is not*



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*required. Accordingly, it is urged that petition deserves to be allowed.*

*Notice of motion.*

*On asking of Court, Ms Sakshi Bakshi, AAG, Punjab accepts notice on behalf of respondent-State and seeks time to argue the case.*

*Adjourned to 04.04.2025.*

*In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023.*

*Reply, if any, be filed on behalf of the respondent-State on the next date of hearing.”*

3. Short reply by way of an affidavit of Deputy Superintendent of Police, Baghapurana, District Moga filed on behalf of respondent-State in Court, is taken on record. It is submitted by the learned State counsel that the petitioner has joined investigation on 07.03.2025. It is however submitted that the petitioner is not extending cooperation as he has not divulged any information qua the whereabouts of the trolly, which was attached with the truck in question. It is therefore, urged that he does not deserve to be extended the benefit of pre-arrest bail.

4. This Court cannot treat the behaviour attributed to the petitioner to be instance of non-cooperation, justifying denial for pre-arrest bail since an accused while joining investigation, is not expected to make self-incriminating



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statement under the threat that the State may seek withdrawal of the interim protection granted to him. So far as, non-recovery is concerned, that cannot be considered as ground for denial of bail to the petitioner.

5. Given the nature of allegations and in view of the discussion as made above, this Court is of the considered view that the pre-trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed, and the order dated 01.03.2025 granting interim bail to the petitioner is hereby made absolute subject to compliance of terms and conditions as laid down under Section 482(2) of BNSS.

6. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

04.04.2025

*Sonia*

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No