

2025:PHHC:016124



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

103

CRM-M-6484-2025 (O&M)

Date of decision: 04.02.2025

Gurcharan Singh @ Channi**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Mr. Apoorv Garg, Senior Deputy Advocate General, Haryana.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), the petitioner seeks anticipatory bail in case bearing FIR No.110, dated 25.02.2024, registered under Sections 379, 468 and 471 of IPC at Police Station Rania, District Sirsa.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 25.02.2024 on the complaint filed by complainant Surender Khan alleging therein that on 24.02.2024 at about 10:00 PM, he had parked his Bolero vehicle bearing registration number HR-57-5128, outside his house. However, on the next day i.e. 25.02.2024, he found that his vehicle was not there and someone has stolen the same. Thus, he prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. During the course of investigation, one Des Raj along with stolen vehicle was arrested on 26.02.2024. On checking of vehicle, it was found that number plate of the

2025:PHHC:016124



vehicle was replaced with a fake number plate i.e. HR-45-C-9137. Offences under Sections 468 and 471 of IPC were added. Co-accused Des Raj suffered his disclosure statement to the effect that he along with the present petitioner and one Lakhwinder Singh alias Lakha had stolen the said vehicle and that the original number plate and RC were in possession of the petitioner and said Lakhwinder Singh alias Lakha. On the basis of the same, the petitioner and aforesaid Lakhwinder Singh were nominated as accused in this case. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Sessions Judge, Sirsa but the same had been dismissed, vide order dated 27.01.2025.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. He is not named in the FIR. He has been nominated in this case on the basis of the disclosure suffered by co-accused Des Raj, which is not admissible in evidence. The alleged stolen vehicle was recovered from the co-accused. There is nothing on record to connect the petitioner with the subject crime, except the disclosure statement of the said co-accused. The petitioner has clean criminal antecedents. No recovery is to be effected from him. He is ready to join the investigation. No useful purpose would be served by detaining him into custody. Therefore, it is urged that the present petition deserves to be allowed.

4. Notice of motion.

5. Learned Senior Deputy Advocate General, Haryana has advance notice of the petition and is ready to argue the matter. He has submitted that

2025:PHHC:016124



although the petitioner has been nominated in this case on the basis of the disclosure statement suffered by aforesaid co-accused but during the course of investigation, his active involvement in the subject crime has been established. The petitioner along with the co-accused had not only stolen the vehicle of the complainant but had also manipulated the registration number plate of the same. His custodial interrogation is required for thorough investigation in the matter as well as in order to know the manner in which the vehicle was stolen and its number plate was changed. Hence, it is argued that the petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable and have also gone through the record carefully.

7. As per the allegations, the aforementioned vehicle of the complainant was stolen in the intervening night of 24/25.02.2024, which was subsequently recovered from co-accused Des Raj. The petitioner and co-accused Lakhwinder Singh have been nominated in this case on the basis of the disclosure statement made by co-accused Des Raj with the allegations that he along with the present petitioner and Lakhwinder Singh had stolen the said vehicle. On recovery of the stolen vehicle, it was also found that the number plate of the vehicle was replaced with a fake number plate. The allegations against the petitioner are serious and specific in nature. His custodial interrogation is required for proper investigation in the matter. Even otherwise, no exceptional or extraordinary case has been made out to grant him the concession of anticipatory bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court

2025:PHHC:016124



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. 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 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.

04.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No