



CRM-M-11172-2025

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

CRM-M-11172-2025

Decided on: 28.02.2025

Ram Padarath

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vishneet Singh Kathpal, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr.DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No. 16 dated 12.02.2025, registered under Sections 305, 317(2) of BNS, 2023, at Police Station City Rampura, District Bathinda.

2. Succinctly facts of the case are that on 12.02.2025, the Police received a secret information to the effect that Bhopal Goyal @ Sibbu, Mota Singh @ Vicky were indulged in theft of motorcycles from the city and adjoining villages and they further sell these stolen motorcycles to Ram Padarath (petitioner) owner of Shiv Trading Company. It was informed that they were seen roaming near godown of Shiv Trading Company and in case of raid, the stolen motorcycles could be recovered. On the basis of secret information, the FIR was registered and raiding team was constituted. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Bathinda, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 18.02.2025.



Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the FIR in the present case has been registered on the basis of secret information, however, there is no evidence against the petitioner. It is submitted that the petitioner and his son, namely, Roshan Kumar were carrying on their business separately from each other in the warehouse. His son Roshan Kumar is carrying on the business of scrap in the same warehouse, who is involved into illegal activities. He submits that the petitioner has already dis-inherited his son way back in the year 2021. It is submitted that there being no *prima facie* case having been made out against the petitioner, he deserves to be granted anticipatory bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is involved in racket of stolen motorcycles. He submits that as per investigation, the stolen motorcycles were found in the warehouse of the petitioner. He submits that the investigation is at the initial stage and every effort is being made to arrest the accused, however, he is evading his arrest. He submits that the investigation would be seriously prejudiced in case of granting anticipatory bail to the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that FIR was registered on the basis of the secret information. The petitioner was specifically named in the secret information received by the Police wherein, it was alleged that the petitioner is involved



in purchasing the stolen motorcycles. From the warehouse of the petitioner, stolen motorcycles were recovered as submitted by learned State counsel.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a



favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

28.02.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No