

**CRM-M-13684-2025****-2-**

could identify if they are brought before him, entered his house on 20.01.2025 at about 07.00 pm and manhandled him. They broke his laptop and heater and threatened to kill him. He alleged that the accused were suspecting him in the matter of one Akshay Kamboj, whose video was going viral and a complaint was made against Arjun, as a result of which CIA staff had arrested Arjun. He dialed at 112 Police Helpline and when the police came and lodged the complaint and requested to take legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending arrest, the petitioners approached the Court of the learned Sessions Judge, Yamuna Nagar for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to them vide orders dated 05.03.2025. Hence, aggrieved against the said order, the petitioners are before this Court by of filing the present petitions.

4. Learned counsel for the petitioners have submitted that the petitioners have been falsely implicated in the present case by the complainant due to some misunderstanding. They have submitted that no specific role has been attributed to the petitioners and no *prima facie* case, as alleged, is made out against the petitioners and, thus, they deserve to be granted concession of anticipatory bail.

5. *Per contra*, learned counsel appearing on behalf of the complainant has vehemently opposed the bail application on the ground that the petitioners are the persons of criminal background. He submitted that the petitioners were nurturing a grudge against the complainant as the complainant was suspected to have filed a complaint against the petitioners and petitioner Arjun was arrested by the CIA staff in the alleged complaint.

**CRM-M-13684-2025****-3-**

It is submitted that the petitioner had prayed before this Court for settling the dispute amicably by referring the case to the mediation and hence, they were granted interim protection. He submitted that after having been granted the interim protection, the petitioners have misused the said concession and hence, the mediation remained unsuccessful. He further submitted that they made the offer before the trial Court as well for payment of Rs.50,000/- to the complainant but they did not honour the statement made before the trial Court and hence, their anticipatory bail was rightly dismissed. It is submitted that no case for grant of anticipatory bail is made out.

6. Learned State counsel has also opposed the bail application and has drawn attention of the Court to the status report filed by way of affidavit of Rajeev Miglani, DSP, Jagadhri and submitted that there are specific allegations against the petitioners. He also submitted that the investigation is at threshold and submitted that petitioner Arjun was involved in two other cases, out of which, in one case he was convicted and sentenced for rigorous imprisonment for three years. Thus, it is submitted that the present petitions, being devoid of merit, deserve to be dismissed.

7. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the petitioners have been specifically named in the FIR by the complainant, wherein they have allegedly trespassed in the house of the complainant and given him beatings. Besides this, they damaged his laptop and heater. The perusal of the record would show that they have given an undertaking for compensating the complainant by paying Rs.50,000/-, but later on, they backed out. Before this Court also, similar offer was made and, thus, the matter was referred for mediation by



CRM-M-13684-2025

-4-

granting interim protection to the petitioners, however, the Court has found that on one pretext or the other, the petitioners have evaded to honour their undertaking given and, thus, the mediation remained unsuccessful. The perusal of the status report filed by the State would show that petitioner Arjun is involved in two more cases bearing FIR No.130 dated 11.03.2023, registered under Section 8 of the POCSO Act, 506 IPC and 3 of the SC/ST Act, at Police Station City Jagadhri, in which he has been convicted and sentenced to undergo RI for a period of three years alongwith fine of Rs.20,000/-, and FIR No.326 dated 20.08.2021, registered under Sections 379-B, 148, 149, 506, 323 of IPC, registered at Police Station City Jagadhri, in which he has been acquitted.

8. 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*



CRM-M-13684-2025

-5-

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.”

9. 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 insulated 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.”

10. 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

**CRM-M-13684-2025****-6-**

on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

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

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

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

28.05.2025

vinod*/sharmila

**(RAJESH BHARDWAJ)
JUDGE**

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No