

2025:PHHC:048398



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

293

CRM-M No.15444 of 2025
Date of decision: 08.04.2025

Bijender ... Petitioner

Vs.
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gaurav Arora, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
488	24.12.2020	Gannaur, District Sonapat	457, 380 and 411 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered against unknown persons on the allegations that theft of an amount of Rs.2,02,500/- was committed from the ATM machine installed outside the Khubru Branch of Punjab National Bank, Sonapat on the night of 23.12.2020.

2025:PHHC:048398



Investigation proceedings were initiated. An untraceable report was submitted. Subsequently, the accused Deepak who was arrested in some other case suffered a disclosure statement admitting the involvement of the present petitioner, co-accused Narender and himself in this case on the basis of which the petitioner and co-accused were nominated as such. The accused Deepak got recovered the tools used in the crime apart from the vehicle used by him at that time. The accused Narender on his arrest got recovered a gas cutter and iron cutter. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed vide order dated 24.02.2025 passed by the Court of learned Additional Sessions Judge, Sonapat.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. He did not commit the subject offence. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. The co-accused have been extended benefit of regular bail. Accordingly, it is urged that he deserves to be given benefit of pre arrest bail.

4. Status report has already been filed. Learned Assistant Advocate General, Haryana has argued that the allegations against the petitioner are serious in nature. He is a habitual offender since he was

2025:PHHC:048398



involved in 19 other cases most of which are of similar nature. He had even been declared a proclaimed offender. Recovery of Eco car used at the time of crime as well as an amount of Rs.80,000/- out of the stolen amount of money is to be effected from him and for this purpose, his custodial interrogation is must. It is further submitted that no exceptional and extraordinary circumstance for grant of pre arrest bail is made out in favour of the petitioner. It is, accordingly, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have committed theft of amount of Rs.2,02,500/- by cutting an ATM machine belonging to the bank of the complainant. He was named by the co-accused from whom recovery of some incriminating articles has been effected. Though for the purpose of effecting recovery, custodial interrogation of an accused cannot be ordered but at the same time, it cannot be ignored that even if custodial interrogation of an accused is not required, that by itself cannot be a ground to grant anticipatory bail. The allegations against the petitioner are serious in nature. It is well settled proposition of law that the powers under Section 482 of BNSS are to be exercised in extraordinary and exceptional circumstances. No such circumstance, has however, been made out in this case. The petitioner does not have clean antecedents. Taking into consideration all these facts

2025:PHHC:048398



but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

08.04.2025

manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No