

2025:PHHC:098455



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

**CRM-M-18058-2025
Date of Decision:31.07.2025**

Sujaldeep Saroha

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S. Premchandra, Advocate and
Mr. Kamaljeet Yadav, Advocate
for the petitioner. (Through video conferencing)

Mr. Sumit Jain, Addl. AG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. The petitioner has approached this Court by way of filing present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.668 dated 26.10.2024 under Sections 3(5)/309(6) and 351(2) of BNS, 2023, registered at Police Station Kundli, District Sonipat.

2. Succinctly facts of the case are that the FIR had been lodged on the statement of the complainant Bimal Ram. It had been alleged that he drives auto-rickshaw to earn his livelihood and on 26.10.2024, when he was returning to his home and reached under the K.M.P. flyover then one Baleno car came from the front side and out of which one boy called him and hence, he stopped. Then two boys also came out of the car, who were armed with *danda* and they started beating and abusing him. They asked him to handover his mobile and

money. On his denial, they snatched his both the mobiles and money and they ran away from the spot. Request was made to take legal action against the accused persons. On registration of the FIR, investigation commenced. During investigation, complicity of the petitioner surfaced and he was arrayed as an accused. Apprehending arrest, the petitioner approached the Court of Ld. Additional Sessions Judge, Sonipat praying for grant of the bail, however, after hearing both the sides, the same had been declined by the Ld. Additional Sessions Judge, Sonipat vide its order dated 06.11.2024 (Annexure P-5). Hence, being aggrieved, the petitioner has approached this Court by way of filing the present petition under Section 482 of BNSS, 2023 for grant of anticipatory bail.

3. It has been vehemently contended by the learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner was named in the FIR nor any overt act has been attributed to him. He submits that the petitioner has been victimized on the basis of the false and frivolous allegations. He further submits that there is another FIR No.669 dated 26.10.2024 under Sections 3(5)/309(6)/351(2) of BNS, 2023, Police Station Kundli, District Sonipat, lodged against the petitioner in which this Court has granted anticipatory bail to the petitioner. Hence, he prayed that no *prima facie* case as alleged against the petitioner is made out and hence, the petitioner deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the counsel for the petitioner. He submits that the petitioner has actively participated in the occurrence and no case for

anticipatory bail has been made out. He further submits that the petitioner is a habitual offender as he is involved in another case i.e. FIR No.669 dated 26.10.2024 for the offence of similar nature.

5. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the allegations made by the complainant that he had been beaten up by three boys who came in the car and they forcibly snatched his mobile phones and money. Investigation is at the threshold and during investigation the complicity of the petitioner has been found. Gravity of the offence when the investigation is under progress cannot be ignored. The granting of anticipatory bail to the petitioner in another case cannot be a ground for the grant of the anticipatory bail in the present case.

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 ensconded with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring 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 disinterring 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.

31.07.2025

Parveen kumar

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No

(RAJESH BHARDWAJ)

JUDGE