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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-24026-2025
Date of decision: 7th May, 2025

Vijay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

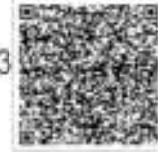
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nikhil Mittal, Advocate for the petitioner.
Mr. Apoorv Garg, Sr. DAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition for grant of anticipatory bail as filed by the petitioner in case bearing FIR No. 631 dated 07.11.2024 registered under Section 305 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Old Industrial Panipat, District Panipat, Haryana. His first petition bearing CRM-M-13739-2025 (O&M) was dismissed as withdrawn on 12.03.2025.

2. The aforementioned FIR was registered on 07.11.2024 on the basis of complaint lodged by the complainant Sandeep Kumar alleging that gold and silver ornaments and other articles kept in the cupboard of his house were stolen by some unknown person on the same day, when they were away from their house. After registration of FIR, investigation proceedings have been initiated and are underway. During investigation, the co-accused Shresth was arrested on 21.12.2024. He suffered disclosure statement on the basis of which the present petitioner was nominated as such. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Panipat, which was dismissed vide order dated 04.01.2025.



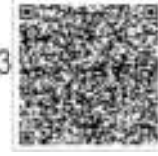
3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. No recovery is to be effected from him. He is ready to join the investigation. His custodial interrogation is not required. Accordingly, it is urged that 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. It is submitted by him that there are serious allegations against the petitioner. Recovery of stolen articles is to be effected from him. Since as per the disclosure statement of co-accused, he was equally involved in the theft of those articles. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. For conducting thorough investigation, his custodial interrogation is required. Accordingly, it is urged that the petition does not deserve to be allowed.

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

7. The petitioner along with the co-accused is alleged to have committed theft of gold and silver ornaments/articles from the house of complainant Sandeep on 07.11.2024. The name of the petitioner was taken by the co-accused. For effecting recovery of remaining stolen articles as well as for eliciting information about the manner in which the crime was committed, the custodial interrogation of the petitioner is required. It is well settled proposition of law that arrest is a part of procedure of the



investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The 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. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. No such circumstance has been made out in this case Accordingly, this Court finds no ground to allow the petition and the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*