



CRM-M-24763-2025

-1-

136

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-24763-2025**

Date of Decision: 07.05.2025

Deeapk Rawat

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kunal Dawar, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present second petition is for grant of anticipatory bail to the petitioner in a case FIR No.07 dated 25.12.2024, registered under Sections 147, 153, 164 of Railway Act, 1989 and Sections 3, 4 of Railway Property (Unlawful Possession) Act, 1966, at Police Station RPF, Palwal.

2. Succinctly the facts of the case are that FIR in the present case was lodged by Inspector Uttam Sharma. On receiving the enquiry report from RPF Division Office, New Delhi bearing letter No.2024/N.R./Delhi/Part-1/UL-MB-DLI/H.V.-01/Booked, dated 25.12.2024. As per enquiry report, it was found that thieves in a pre planned manner, after forming a gang had illegally entered the railway premises and by removing the knob under the railway line and by using a pipe had stolen and extracted inflammable substance (diesel) by laying a pipe below the railway line. By doing so, they had intentionally put the lives of passengers travelling in the trains on the said railway lines on risk. On receiving the information, RPF conducted the search. As per the report of RPF, Moradabad, they confiscated bamboo pauris and found that thieves had entered the railway premises of

**CRM-M-24763-2025****-2-**

Piyala Railway Yard in the night of 29.11.2024. From the parked tanker wagon, inflammable oil i.e. diesel was found to have been removed. Thus the FIR was registered and investigation commenced. During the investigation, complicity of the petitioner and co-accused surfaced and thus along with co-accused, the petitioner was arrayed as an accused in the present case. Apprehending his arrest, the petitioner has approached the Court of learned Sessions Judge, Palwal praying for the grant of anticipatory bail. However after hearing both the sides, the learned Sessions Judge, Palwal dismissed the petition filed by the petitioner vide order dated 08.01.2025. Hence the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner is named in the FIR nor there is any recovery made from him. He has submitted that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, namely, Vishal recorded on 28.12.2024, which is not an admissible evidence. He has submitted that the alleged occurrence has taken place on 29.11.2024 whereas the FIR has been registered on 25.12.2024 and thus there is an unexplained delay of more than 25 days in registering the FIR. He has submitted that the petitioner is running a shop of readymade cloth and is also having a swimming pool, where, he used to teach swimming to the kids, however, he has been roped in the present case merely on the basis of suspicion. He submits that though anticipatory bail petition of co-accused, namely, Pawan Dagar has been dismissed by this

**CRM-M-24763-2025****-3-**

Court, but Hon'ble Supreme Court has granted him interim protection by ordering no coercive steps to be taken against him and as such the petitioner is also entitled to the same relief. He further submits that there being no *prima facie* case having been made out against the petitioner, he deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Sumit Jain, Addl. A.G., haryana appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner.

6. At this stage, Ms. Promila Nain, Senior Panel Counsel has appeared on behalf of Union of India. She has vehemently opposed the submissions made by learned counsel for the petitioner. She has submitted that the petitioner is actively involved in the commission of serious crime. She has further submitted that the investigation is at threshold. She has thus submitted that no case is made out for the grant of anticipatory bail to the petitioner as his custodial interrogation is necessary and hence the present petition deserves to be dismissed.

7. The Court has heard learned counsel for the parties and perused the record with their able assistance.

8. It is deciphered that the case in hand pertains to the theft of diesel oil from the railway tank wagon in a well organized manner. As per reports, 1,125 liter of stolen diesel was recovered so far and the recovery of 13,989 liters of diesel is yet to be effected. Co-accused, Vishal was arrested, who had made disclosure about the involvement of other accused including present petitioner. The argument raised by learned counsel for the petitioner



CRM-M-24763-2025

-4-

regarding his involvement on the basis of disclosure statement cannot be appreciated at this stage when the investigation is at threshold. Heavy recovery is yet to be made. Counsel for the petitioner has not been able to show any mitigating circumstance, which would entitle the petitioner for the grant of anticipatory bail to him.

9. 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.”*

10. 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](#) 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.”

11. 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.

12. 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.

13. 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.

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

07.05.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No