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

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**CRM-M-25938-2025
Decided on:04.08.2025**

Ganga Nath

...Petitioner

Versus

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

Present: Mr. Raj Kumar, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Bhim Singh, Advocate,
for the complainant.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner in a case FIR No.107 dated 18.04.2025, registered under Sections 109(1), 3(5), 333 of the BNS, 2023 and Section 25 of the Arms Act, 1959, at Police Station Bawani Khera, District Bhiwani.

2. Succinctly, the facts of the case are that the present FIR was registered on the statement of Rajai Nath @ Dhanraj, wherein it was alleged that he was a "Saint" (Sadhu) for the last 34 years and was Mahant of Baba Sompuri Dera in village Bhaini Thakran for the last four months. Earlier to this, he was also the Mahant of Jogi Wala Dera in village Dudia, Tehsil Munak, District Sangrur (Punjab) and being the Mahant of said Dera, 110 acres of land of the Dera was in his name and he used to receive the contract amount of that land and because of this, Baba Ganga Nath (petitioner herein) had nurtured a grudge against him. On 18.04.2025, at about 12.00 P.M., Maya and Surendra Soni came to him and stated that they had brought air conditioner for him and

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asked to get it unloaded from the car. When he started walking towards the car with them to get the air conditioner unloaded, Surendra Soni fired at him from behind with intention to kill and the bullet hit on his waist. After shooting, Surendra Soni and Maya escaped from there in their car and the villagers shifted him to the hospital. It was alleged that the motive behind the attack was the grudge nurtured by Ganga Nath, who wanted to usurp the land of Punjab Dera, which is in his name. The request was made to take legal action against the culprits involved. On registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Sessions Judge, Bhiwani for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 07.05.2025. Hence, aggrieved against the said order, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely roped in the present case on account of a civil dispute. It is submitted that the petitioner had filed a civil suit before the Civil Judge (Senior Division), Moonak. He further submitted that the petitioner had also filed a complaint at the Police Station Sadar, Narwana, District Jind against the complainant/Baba Rajai Nath on 26.12.2023 and the notice had been issued by the Investigating Officer under Section 41(1) Cr.P.C against the complainant. He further submitted that neither the petitioner was present at the place of alleged occurrence nor he had committed any overt act, however, on account of *inter se* dispute already going on between both the sides, he has been roped in the present case. He has submitted that the petitioner has been involved in the present in a due deliberated manner and, thus, he deserves to be granted concession of anticipatory bail.

4. *Per contra*, learned State counsel has vehemently opposed the bail application and drawn attention of this Court to the status report filed by way

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of affidavit of Dalip Singh, HSP, DSP (Tosham), Bhiwani. It is submitted that a civil litigation is going on between both the sides in respect of the land in dispute and during investigation, the bullet was recovered from the place of occurrence and the same was taken in possession and Maha Singh @ Maya was arrested and his disclosure statement was recorded. It is submitted that it has been transpired during the investigation that the present petitioner is the mastermind and on his asking, Surender Soni, Dablu and Maha Singh alias Maya fired on the complainant with the intention to kill him and recovery of pistol is still pending. Thus, he submits that the present petition, being devoid of merit, deserves to be dismissed.

6. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the complainant has specifically named the petitioner in the FIR. He has also specifically explained the role played by the petitioner in the commission of offence and the complicity of the petitioner has been further strengthened on the disclosure statement of co-accused Maha Singh @ Maya. The petitioner is stated to be mastermind and the main conspirator on whose behest, the shot was fired upon the complainant with the intention to kill him. Thus, keeping in view the gravity and seriousness of the offences, the contentions raised by the learned counsel for the petitioner cannot be appreciated at this stage where he has approached this Court for the grant of concession of anticipatory bail. However, the same could be appreciated at the relevant stage.

7. 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,*

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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.”*

8. 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 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

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task of disinterring offences would not conduct themselves as offenders.”

9. 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.

10. 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.

11. 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 their favour. Resultantly, the present petition, being devoid of any merit, is hereby dismissed.

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

August 04, 2025
vinod*

(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: NO/YES
Whether Reportable: NO/YES