



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26673-2025

Reserved on: 24th July, 2025

Pronounced on: 31st July, 2025

Ricky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Garima Sharma, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 22 dated 20.01.2025 registered under Sections 305, 331(4), 317(2) and 238(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Ambala Cantt.

2. The aforementioned FIR was registered on the basis of a complaint lodged by the complainant, Yashwant, a Wing Commander posted at Ambala Cantt, alleging that on 18.01.2025, while he was present at Prayagraj, he received information from his domestic help regarding a theft committed at his residence. He reached home on the evening of 19.01.2025, he found that several gold ornaments, one watch and two mobile phones kept in his house had been stolen. After registration of the FIR, investigation proceedings were initiated and are underway. Apprehending his arrest, the



petitioner moved an application for grant of pre-arrest bail, which was dismissed by the court of learned Additional sessions, Judge Ambala vide order dated 06-05-2025.

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 co-accused Pankaj @ DK, which cannot be considered to be admissible in evidence. He was not named in the FIR. No recovery is to be effected from him. His custodial interrogation is not required. He is ready to join the investigation. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed. It is argued by learned State counsel that there are serious allegations against the petitioner. Though he was not named in the FIR, but his complicity in the crime stands established from the disclosure statements of the co-accused Rahul @ Golu and Pankaj @ DK as recorded before the police. Recovery of one gold necklace and earrings which the co-accused had sold to the petitioner is to be effected. They had even sold some stolen gold ornaments to the wife of the petitioner. The petitioner is a habitual offender as many as three criminal cases have been registered against him. For conducting thorough investigation in the matter and for effecting recovery, his custodial interrogation is must. It is, therefore, argued that the petition does not deserve to be allowed.

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

6. The petitioner is alleged to have purchased one gold necklace and earrings which were stolen from the house of the complainant, from the



co-accused and is alleged to have given a sum of Rs 60,000/- to the co-accused *in lieu* thereof. On the night of the occurrence itself, as many as twelve calls are shown to have been exchanged between the mobile phones of the petitioner and the co-accused Pankaj @ DK. The petitioner is also a man of criminal antecedents. For the purpose of effecting recovery of stolen articles as well as for conducting thorough and proper investigation in the matter, his custodial interrogation is must. More so, it is also well settled that 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. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

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

[MANISHA BATRA]
JUDGE

31st July, 2025

Parveen Sharma

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

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