



209
IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.26876 of 2025
Date of decision: 31.07.2025

Mohammad Sajid ... Petitioner
Vs.
State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gorav Kashyap, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Abhishek Singla, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
51	20.03.2025	Amargarh, District Malerkotla	305 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Sanjay Kumar on 20.03.2025 alleging

2025:PHHC:097849



therein that his daughter Silbiya Jain was married with one Shivdeep Bhandari. From the last about one and half months, she along with her daughter had been staying with him as she was taking treatment for some problem in her backbone. In the afternoon of 17.03.2025, his wife called him on phone and asked him to reach home. He rushed back home and found his son-in-law Shivdeep Bhandari to be present. He was asking about whereabouts of his daughter but she was not at home. On checking camera, it was revealed that the present petitioner had taken her away in a motorbike. It was also revealed that some gold ornaments and cash kept in the house were missing. By alleging that the petitioner had enticed away his daughter and had stolen jewellery and cash from his house in connivance with her daughter, had prayed for taking action. On his complaint, the aforementioned FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Malerkotla vide order dated 02.04.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the co-accused Silviya who is daughter of the complainant was harassed and tortured by her in-laws family and had been thrown out of her matrimonial house. The complainant had been pressurizing her to go back to her matrimonial

2025:PHHC:097849



house and was turned away from there also. Finding no support, she had approached the petitioner who being her childhood friend has provided the same. The FIR has been lodged only to take revenge. There is inordinate and unexplained delay of three days in reporting the matter to the police. No details of jewellery and cash has been given. No recovery is to be effected from the petitioner since he did not commit theft of any belongings of the complainant. The FIR has been lodged to exert pressure upon Silviya to return to her matrimonial house. He is ready to join the investigation. His custodial interrogation is not required. The subject offences are triable by Magistrate. It is, therefore, argued that he deserves to be extended benefit of pre arrest bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant that there are specific allegations against the petitioner as he along with the co-accused had stolen cash amount of Rs.50,000/- and 14/15 tolas of gold from the house of the complainant in connivance with the daughter of the complainant. To ascertain the exact mode adopted by the petitioner and to elicit information about truth, his custodial interrogation is must. He has criminal antecedents. No exceptional ground for grant of pre arrest bail is made out. It is, therefore, argued that he does not deserve to be extended benefit of pre arrest bail.

5. This Court has considered the rival submissions.



6. The petitioner along with the daughter of the complainant is alleged to have committed theft of 14/15 tolas of gold and cash amount of Rs.50,000/- from the house of the complainant and is alleged to have taken away the married daughter of the complainant along with him. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. It is well settled proposition of law that the powers for grant of pre arrest bail are to be exercised in exceptional and extraordinary circumstances. In the present case, no such exceptional and extraordinary circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

31.07.2025
manju/parveen sharma

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No