2025:PHHC:085476

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

103 **CRM-M-35507-2025**
Decided on:09.07.2025

Ankur Jhalla @ Ankur Jhala **...Petitioner**

Versus

State of Haryana **...Respondent**

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

Present: Mr. Amardeep Sheoran, Advocate,
for the petitioner.

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Rajesh Bhardwaj, J. (Oral)

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.196 dated 28.05.2022, registered under Sections 341, 365, 395, 34 of IPC, 1860 (Section 120-B of IPC, 1860 added lateron), at Police Station Kasola, District Rewari.

2. Succinctly, the facts of the case are that the present FIR had been registered on the complaint of Urvashi Sharma, in which it was alleged that she was working as Assistant General Manager in the Human resources Department of DBG Technology India Private Limited, Plot No.02, Sector-8, Bawal. It was alleged that on 27.05.2022, Kirshan S/o Ram Dayal, driver of their organization's container vehicle No.HR47E4777, after loading the vehicle, left for Noida with the goods. On 28.05.2022, the container owner called and informed that the container HR47E4777, which had taken the goods from the company, was stopped by TUV car drivers near Asahi bridge and the container was snatched away and driver was kidnapped. It was informed that the container was found parked near Urban King Hotel and on its checking, it

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was found empty and the goods loaded by their company like mobile etc. were not found therein. The driver of the container told that the container was stopped by a white coloured Mahindra TUV car in which 3-4 people were travelling. They looted the container and kidnapped him. The request was made to take legal action against the culprits involved. On registration of the FIR, the investigation commenced and during investigation, the complicity of the petitioner was *prima facie* surfaced and, thus, he was arrayed as an accused. Apprehending arrest, he approached the Court of learned Additional Sessions Judge, Rewari for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 23.06.2025. 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 neither the petitioner has been named in the FIR nor he has committed any offence, as alleged. He submits that the petitioner has been falsely implicated on the basis of disclosure statement of the co-accused, which is not admissible in evidence. It is further submitted that co-accused, namely, Mahesh Sisodiya, Vikash and Subhas Hada have already been granted concession of anticipatory bail by this Court and, thus, the petitioner also deserves concession of anticipatory bail on this ground.

4. Notice of motion.

5. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State and has vehemently opposed the bail application and it has been submitted that there are serious allegations against the petitioner and he has been at large since long and custodial interrogation of the petitioner is required. He, thus, contends that the investigation would seriously prejudice in case the petitioner is granted anticipatory bail as he is having criminal antecedents being involved in eight

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criminal cases. 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 complicity of the petitioner has been surfaced during investigation. As per the case of the prosecution, the petitioner along with co-accused, have looted the container truck full of mobiles and also kidnapped the truck driver. The recovery in the present case of the amount received by the petitioner from the share of the sale of the mobiles looted also remains to be effected by the investigating agency. 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. Further, mere simply grant of anticipatory bail to the other co-accused is not a ground for enlarging the petitioner on anticipatory bail.

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, 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;*

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(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 insulted 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 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

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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 petitioners 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.

July 09, 2025 **(Rajesh Bhardwaj)**
vinod* **Judge**

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

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