

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:109421



216

CRM-M-40499-2025 (O&M)
Date of decision:18.08.2025

Mohan @ Gandhi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Krishan Kanha, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. 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.16 dated 20.01.2023 registered under Sections 380, 457 IPC at Police Station Uklana, District Hisar.

2. The aforementioned FIR was registered on 20.01.2023 on the basis of complaint lodged by the complainant – Anil Kumar alleging that on the night of 19.01.2023, he had parked three tractors in his agency operating under the name of Shri Balaji Tractor Agency. In the next morning, the locks of the gate of the agency were found to be broken and one of the tractor make Eicher bearing registration No.HR-32-M-6093 was found to be missing. Apart from that, a cylinder, stove,

LED, printer, cheque book and DVR of CCTV camera installed in the agency were also found to be stolen. After registration of the FIR, investigation proceedings were initiated. CCTV cameras installed in the locality were checked. The complainant recorded a supplementary statement on 03.03.2023 on the basis of which accused Jeetu was arrested. He suffered disclosure statement and got recovered the stolen tractor. On his disclosure statement, Manish was nominated as an accused and was arrested. He too suffered a disclosure statement and got recovered a smart LED TV. He also disclosed about the involvement of the present petitioner and co-accused Balwinder @ Nikka. On the basis of which, the petitioner and the above named Balwinder @ Nikka were nominated as accused. 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, Hisar vide order dated 26.06.2025.

3. It is argued by learned counsel for the petitioner that the petitioner was not named in the FIR or by the complainant at any point of time. He has been nominated subsequently on the basis of the disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. No efforts were made by the police to join him in investigation for a period of over 2½ years and now the police is trying to arrest him. He is ready to join investigation. No recovery is to be effected from him. His custodial interrogation is not required. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned State counsel that there are specific and serious allegations against the petitioner as he along with the co-accused committed theft from the premises of the agency of the complainant. For recovery of stolen printer, cheque book, gas stove, custodial interrogation of the petitioner is must. He has criminal antecedents. No exceptional and extraordinary circumstances for grant of pre-arrest bail to the petitioner is made out. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner along with co-accused is alleged to have committed theft of a tractor and other articles kept in the agency of the complainant. He was named by the co-accused. Recovery of tractor and LED TV has been effected from the co-accused. However, the recovery of other articles is yet to be effected and for that purpose as well as for conducting thorough and proper investigation of the matter, custodial interrogation of the petitioner is must. It is well settled proposition of law that custodial interrogation is more elicitation oriented than questioning an accused who is well ensconced with an order of pre-arrest bail. It is also well settled proposition of law that the powers for grant of pre-arrest bail are to be exercised in exceptional and sparing circumstances. However, no such circumstance is made out in this case.

7. In view of the above discussed facts, this Court is of the considered opinion that no case for grant of pre-arrest bail to the

petitioner is made out. Accordingly, the petition is dismissed.

8. It is, however, made clear that nothing stated hereinabove shall have any bearing on the merits of the case.

18.08.2025

harjeet

(MANISHA BATRA)
JUDGE

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