

2025:PHHC:128989



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

CRM-M-41733-2025

Date of decision: September 17, 2025

Neeraj Malik

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Gaurav Goel, Advocate for
Mr. Rahul Deswal, Advocate for the petitioner.

Mr. Vishal Singh, AAG Haryana.

Mr. Ravi Kamal Gupta, Retainer Counsel for the CBI.

Mr. Rajnikant Upadhyay, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

The substantive prayer made in the present petition reads thus:

“It is, therefore, respectfully prayed that the petition may kindly be allowed and the petitioner be granted anticipatory bail to in FIR No.484 dated 11.09.2023, under Sections 148, 149, 341, 285, 506 of IPC and Section 25 of Arms Act at Police Station City Sonipat, District Sonipat, Haryana (Annexure P-1), in the interest of justice.

It is further prayed that the arrest of the petitioner may kindly be stayed during the pendency of the present petition.”

2. Reply dated 16.09.2025 to the show cause given vide order dated 03.09.2025, by way of an Affidavit of Mamta Singh, IPS, Commissioner of Police, Sonipat has been filed in the Court today, which is taken on record.

2.1. Learned Retainer counsel for the CBI has also filed a reply dated 15.09.2025 on behalf of the CBI to the petitioner, which is taken on record.

3. Learned counsel for the petitioner submits that he may be permitted to withdraw the petition, for the present, in view of paragraph 16 of the reply by way of an affidavit dated 12.08.2025 of Rajpal, HPS, Assistant Commissioner of Police, Crime, Sonipat; relevant whereof, reads thus:

“16. That it is submitted that petitioner Neeraj Malik has already joined the investigation of present case on 10.08.2025 in compliance of notice under Section 41-A Cr.P.C. While joining investigation, he suffered disclosure statement and got demarcated the place of occurrence. It is submitted that from the evidence collected during investigation, only accused Deepak Dahiya and Pankaj Malik have been found to be carrying weapons at the spot, which have already been recovered in the present case and petitioner/accused Neeraj Malik was not having any weapon at the spot. As such, in view of the above mentioned facts and circumstances, at this stage, custodial interrogation of petitioner/accused Neeraj Malik is not required by investigating agency, as he has already joined the investigation case in view of the guidelines of Hon’ble Supreme Court in the case of "Arnesh Kumar Vs. State of Bihar." As such, petitioner is not required in the present case for any custodial investigation purposes and as such, the present petition has become infructuous.”

4. Ordered accordingly.

5. As regards aspect of assistance of an independent investigating agency, at this stage, it would be apposite to refer herein to the aforesaid reply dated 16.09.2025 by way of an Affidavit of Mamta Singh, IPS, Commissioner of Police, Sonipat, which reflects that the Special Investigation Team (SIT) has been constituted vide order dated 08.09.2025 issued by the Commissioner of Police, Sonipat (appended as Annexure R-3 with the aforesaid reply), which is being headed by the DCP East, Sonipat; the said order dated 08.09.2025 reads thus:

“A SIT was constituted by DCP West, Sonipat vide his office order no.324-27/R/DCP West-SPT dated 12-02.2025 in case FIR No.484 dated 11.09.2023 U/s 148, 149, 285, 341, 506 IPC & 3(1)(R)(S) SC/ST Act PS City Sonipat.

In continuation of the above order, it is hereby ordered that the Special Investigation Team (SIT) constituted in this case will be headed by DCP East, Sonipat. The following police officers will be the members in the SIT:

- 1. ACP Crime, Sonipat.*
- 2. I/C Crime Unit West, Sonipat.*
- 3. SHO PS City Sonipat.*
- 4. I/C Cyber Cell, West Zone, Sonipat.*

SIT will conduct fair and expeditious investigation in this case and send action taken/ progress report regularly to the undersigned.

*Commissioner of Police,
Sonipat.”*

6. In view of the above, no direction for handing over the investigation of the FIR in question to an independent agency is required, at this stage.

7. Petition stands disposed of in above terms.

8. Pending application(s), if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 17, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No