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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(215)

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Date of decision: 02.09.2025

Virendra

..... Petitioner

V/s

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Dixit Garg, Advocate, for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.219 dated 10.07.2025 under Sections 109(1), 111(3), 121(1), 132, 221, 223(a), 324(4), 303(2) BNS and 4(i) Mines and Minerals Act, registered at Police Station, Chandhut, Distt. Palwal.

2. The brief facts of the case are that on 10.07.2025, Sub-Inspector Hanish Khan, along with PC Amit, SI Mahanand No. 14/JJR, SI Mubarik No. 766/Palwal, Head Constable Manoj No. 1155/Palwal, with government vehicle No. HR-30GV-6098 driven by Constable Manvender No. 935, CIA Staff Hodal, and from the Anti-Narcotics Cell SI Mahender No. 06/Palwal, SI Ravinder No. 67/Palwal, EASI Sirajuddin No. 196/Palwal, Head Constable Samim No. 1227/Palwal, Head Constable Chhotu Ram No.

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1243/Palwal, with government vehicle No. HR-30GV-9723 driven by Constable Ankit No. 162/Palwal, were present in the jurisdiction of Police Station Chhainsa for patrolling and crime-checking duty. At that time, a secret informer approached and informed that Virender (petitioner) s/o Bhim Pal, resident of Jhupa, District Gautambudh Nagar, U.P., was engaged in the illegal theft and sale of Yamuna sand using his Hyva/Dumper vehicle. As per his daily routine, on that day, he had filled illegal Yamuna sand in his Hyva/Dumper and, while piloting it with his Baleno car, would take it towards Palwal. If one police team set up a barricade at Kitwadi Chowk, Palwal, and another at Village Rasoolpur Chowk, the Hyva/Dumper along with illegal sand could be intercepted. On this information, SI Hanish Khan informed SI Mahender and his Anti-Narcotics Cell team and sent them to Kitwadi Chowk for barricading, while SI Hanish Khan, along with his accompanying staff, set up a barricade at Village Rasoolpur Chowk. Thereafter, SI Mahender informed from Kitwadi Chowk that upon seeing the police party, a Baleno car (running ahead of the Hyva) bearing registration No. HR-30 AB-3795 signaled the Hyva driver, and both vehicles, carrying illegal Yamuna sand, diverted from Kitwadi Chowk towards Village Baroli via Rasoolpur Chowk. The Anti-Narcotics Cell continued chasing both vehicles and informed SI Hanish Khan to intercept the Hyva/Dumper and Baleno at Rasoolpur Chowk. At Rasoolpur Chowk, where SI Hanish Khan had already set up a barricade, a Baleno car leading a Hyva/Dumper appeared. The Baleno bore No. HR-30 AB-3795, whereas the Hyva/Dumper bore no number plate. SI Hanish Khan and his staff signaled both vehicles to

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stop. However, the unknown drivers of the Baleno and the Hyva, with the intention to kill, drove their vehicles at high speed and in a dangerous manner, broke through the barricade and attempted to run over SI Hanish Khan and his staff. The police staff saved their lives by jumping aside. However, SI Hanish Khan and SI Mahanand sustained injuries in the process. After this, the Hyva driver raised the dumper jack and dumped the illegal Yamuna sand on the road, damaging electric poles, transformers, and wires, and fled towards Village Baroli. Both police teams then chased the Baleno and Hyva in their official vehicles. Due to the Hyva driver's refusal to give way, the Baleno went out of sight. The chase continued, and the Hyva driver diverted the vehicle towards Village Khatka-Mohablipur, again raising the jack and dumping the remaining sand in front of the police vehicles. Finally, the Hyva/Dumper was abandoned by the unknown driver inside the forest area of Village Sultanpur, among the kikar trees, and he fled away. The teams searched for the Hyva driver but he could not be traced. Upon checking the abandoned Hyva/Dumper, a number plate HR-38-AH-8523 and a photocopy of its RC were found. The engine number B67862300D03142F64389380 and chassis number MAT569002R3F16638 of the vehicle matched the RC photocopy. The drivers of the Baleno and Hyva/Dumper, by filling the Hyva with illegally stolen Yamuna sand, attempted to kill the police party by ramming vehicles, obstructed government duty, caused injuries, and damaged electric poles and transformers, on the basis of which the instant FIR No. 219 dated

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10.07.2025, U/s 109(1), 111(3), 121(1), 132, 221, 223(a), 324(4), 303(2) BNS & 4 (i) of Mines & Minerals Act, P.S. Chandhut came to be registered.

3. During investigation, the dumper/Hyva No. HR-38AH-8523, which had been abandoned by its unknown driver in the jungle of Khatka-Mohablipur, was taken into police possession. The CCTV footage from the area near the scene of crime was checked and taken into police possession. During investigation, the MLR of injured SI Hanish Khan No. PK/CHP/276/2025 dated 10.07.2025 was obtained in which the doctor recorded 5 blunt injuries with advice for X-ray. Similarly, MLR of ASI Mahanand No. PK/CHP/277/2025 dated 10.07.2025 recorded 1 blunt injury with advice for X-ray.

4. On 12.07.2025, CCTV cameras installed at Rasoolpur Bazaar were checked and relevant footage was obtained. During investigation, with the help of the Cyber Cell, records regarding Baleno car No. HR-30AB-3795 and Dumper/Hyva No. HR-38AH-8523 were collected, which revealed that both vehicles were registered in the name of Virender (petitioner) s/o Bhim Pal, resident of Jhupa, P.S. Jewar, District Gautambudh Nagar, U.P.

5. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is no specific allegation against him regarding causing of any injury with an intention to kill any police personnel. He is not the driver of the vehicle in question. There is no evidence that he was present at the spot. As the petitioner is ready and willing to join the investigation, he is entitled to the concession of anticipatory bail.

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6. The learned counsel for the State has filed a reply dated 29.08.2025 which is taken on record. While referring to the said reply, he contends that the petitioner is the owner of the Baleno Car bearing registration No.HR-30 AB-3795 and dumper bearing registration No.HR-38AH-8523. The information collected so far would reveal that it is the petitioner who was driving one of the vehicles. The driver of the other vehicle is to be ascertained. The petitioner is also a habitual offender with as many as 07 other cases registered against him including some of a similar nature. As the offence is *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly necessary and therefore, he is not entitled to the concession of anticipatory bail.

7. I have heard the learned counsel for the parties.

8. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

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Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial***

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interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

9. In the instant case, the dumper in question was found to contain illegal mined sand from the Yamuna. The Baleno car driven by the petitioner was piloting the dumper. On being signalled to stop, at a barricade, the drivers of the Baleno car and the dumper with an intention to kill drove the vehicles at a high speed in a dangerous manner, broke through the barricade and attempted to run over SI Hanish Khan and his staff. SI Hanish Khan and SI Mahanand have received injuries in the occurrence. It has been found during investigation that both the vehicles were owned by the petitioner. Therefore, the offence is *prima facie* established.

10. The petitioner is also a notorious criminal and a habitual offender. The details of the other cases registered against him are as under:-

Sr. No.	FIR No./dated	Under Sections	Police Station
1.	54/2018	2/3 Uttar Pradesh Gangster Anti-Social Activities (Prevention) Act, 1986	Jewar, District Gautambudh Nagar, U.P.
2.	193/2017	379, 411 IPC & 21(4) Mining Act	Jewar, District Gautambudh Nagar, U.P.
3.	194/2017	147, 148, 224, 225, 332, 353 IPC	Jewar, District Gautambudh Nagar, U.P.
4.	288/2016	332, 353, 504, 506 IPC,	Jewar, District Gautambudh Nagar, U.P.
5.	507/2017	379, 411 IPC & 21(4) Mining Act	Jewar, District Gautambudh Nagar, U.P.
6.	568/2017	323, 379, 411, 427, 504, 506	Jewar, District



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		IPC and 21(4) Mining Act	Gautambudh Nagar, U.P.
7.	475/2024	109(1), 121(1), 132, 190, 191(3), 221, 223(a), 309(4), 303 BNS & 21(1) Mines and Minerals Act	Chandhut, District Palwal

11. Keeping in view the allegations against the petitioner which stand *prima facie* established, the need for his custodial interrogation to take the investigation to its logical conclusion and his criminal antecedents, he is not entitled to the concession of anticipatory bail.

12. Therefore, the present petition stands dismissed.

13. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

14. The pending application(s), if any, shall stand disposed of accordingly.

September 02, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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