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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-42604-2025 (O&M)
Date of Decision: 24.09.2025

Sachin Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rajinder Goyal, Advocate
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

CRM-37415-2025

This is an application for placing on record the affidavit of the petitioner along with Annexure A-1.

Application is allowed, as prayed for.

Main Case

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioners in case FIR No.102 dated 23.06.2025 registered under Sections 310(2), 61(2), 111, 317(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25/54/59 of the Arms Act, at Police Station Sirhind, District Fatehgarh Sahib.

2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused had snatched the bag of cash from the car



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of the complainant on gun-point.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner was neither present at the spot, nor was named in the FIR and he has no concern with the said incident. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Beant Singh, Manjit Singh and Jaswinder Kumar. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He argued that the petitioner has been falsely roped up in the case at the behest of the co-accused and the complainant as well as on the instance of one Naaseem Akhtar, who is complainant in another FIR No.55 dated 29.04.2025. Complainant-Yuvraj Aggarwal and Naseem Akhtar are known to each other, and have roped the petitioner because of their commercial dispute with Jaswinder Singh. He submits that recovery has already been effected from the above said co-accused and no recovery is to be effected from the petitioner. No specific role has been attributed to the present petitioner. He further argued that custodial interrogation of the petitioner is not required for any recovery and he is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the



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Court of learned Additional Sessions Judge, Fatehgarh Sahib, vide order dated 31.07.2025.

5. On the other hand, learned State counsel, while referring to the status report, has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioners are serious in nature. He argued that initially, the FIR was registered against Beant Singh, Manjit Singh and Jaswinder Kumar along with two unknown persons. During investigation, the petitioner was nominated as an accused on the basis of the disclosure statement of the above said co-accused. He has further submitted that petitioner in connivance with other co-accused, in futherance of their common intention, committed robbery of Rs.15 lakhs and has intentionally played an active role in the crime. He further submits that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter as well as to recover his share of the looted amount, weapon of offence used in the crime, identify other associates and to unearth the full extent of the conspiracy. Hence, he prays for dismissal of the petition.

6. I have heard learned counsel for the parties at length and perused the paper book.

7. In the present case, the allegations against the petitioner are serious in nature and the same discloses a serious and organized act of robbery committed in broad day light, wherein the complainant was intercepted, threatened at gunpoint and the bag with full of cash was snatched. The FIR names certain co-accused persons and also indicates the involvement of others whose identities were not initially known. The



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petitioner has been nominated during the course of investigation and at this stage, his complicity cannot be ruled out merely on the ground that he was not named in the FIR. The contention of learned counsel for the petitioner to the extent that nothing is to be recovered from the petitioner cannot be accepted at this stage, as the investigation is still in progress and custodial interrogation of the petitioner is required to establish the chain of events, effect recoveries and trace the weapon used in the commission of the offence. The present petitioner is alleged to have conspired with other co-accused and participated in the robbery of Rs.15 lakhs. The offence is grave and affects public order and security. Considering the gravity of the allegations, the custodial interrogation of the petitioner is required for fair and effective investigation in the matter.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which



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would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

24.09.2025

D.Bansal

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