



CRM-M-42951-2025

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

CRM-M-42951-2025

Decided on: 08.08.2025

Dilbag @ Ajjju

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jitender K. Sehrawat, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No. 406 dated 25.08.2023, registered under Sections 147, 149, 323, 325, 341, 379-B, 506 IPC (Sections 120-B, 307, 397 IPC added and Section 379-B IPC deleted lateron), at Police Station Narnaund, District Hisar.

2. Succinctly facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Mohinder @ Kali. It was alleged that on 24.08.2023 at about 09:30/10:30 P.M., he alongwith his uncle Satender, was going to village on their motorcycle carrying some cash of Rs.67,000/-. On the way, they waylaid by 7-8 young boys. They were armed with wooden *bindas*. On stopping, they hit the complainant and his uncle with wooden *bindas* and they pulled down his uncle Satender from the motorcycle. One of the assailants snatched 20 grams gold chain from the neck of the complainant and the cash of Rs.67,000/- being carried was also snatched. One of the assailants namely, Ankit @ Dhakku was carrying a gun and the same was pointed towards the complainant. Thereafter, the complainant fled away from the spot on his motorcycle and disclosed the entire incident to his father Surrender. Thereafter, they received phone call from Anil that Satender is badly injured



and lying on the road. His father and elder brother and one Parvinder went to the spot where police and ambulance were already present and thereafter, Satender was shifted to Government Hospital, Hisar. On the registration of the FIR, the investigation commenced. During investigation, complicity of the petitioner surfaced and thus, he was arrayed an accused in the present case. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Hisar, for the grant of anticipatory bail. However, learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 01.08.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner is named in the FIR, nor there is any overt act alleged against him, however, he has been implicated in the present case only on the basis of the disclosure statement of co-accused Ankit, which is even not an admissible evidence. He submits that initially the offence under Section 307 IPC was not added, however, at later stage the same has been added in the FIR only to make the case sensitive. He has submitted that co-accused, namely, Parmod @ Kala has already been granted regular bail by this Court vide order dated 23.01.2025 passed in CRM-M-61645-2024. He further submits that there being no *prima facie* case having been made out against the petitioner, he deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a



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habitual offender and complicity of the petitioner in the present case has been duly proved during investigation. It is submitted that the petitioner is deliberately avoiding his arrest in the present case since long. He further submits that offences involved in the present case are serious in nature. He submits that in case the petitioner is granted anticipatory bail, the investigation qua him which is at initial stage, would seriously be prejudiced. He, thus, prays for dismissal of the present petition filed by the petitioner.

5. The Court has heard counsel for the parties and perused the record. It is deciphered that the complainant alongwith his uncle was waylaid and cash of Rs.67,000/- and a gold chain were snatched by the assailants when they were returning to their village. One of the accused was specifically named in the FIR itself. During investigation, complicity of the petitioner has been duly established. The petitioner is involved in two other FIR, which are as follows:

- i) FIR No.158 dated 16.04.2018, under Sections 147, 149, 302, 364, 120-B IPC, Police Station Barwala.
- ii) FIR No.671 dated 04.10.2020, under Sections 148, 149, 323, 325, 341, 427, 506 IPC, Police Station Barwala.

Needless to say that investigation of the case qua the petitioner, is initial stage.

6. 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;*
- (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."*

7. 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 ensconced 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 disintering 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 insulated 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 disintering offences would not conduct themselves as



offenders.”

8. 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 as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner 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.

10. 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 his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

08.08.2025

sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No