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

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CRM-M-44703 of 2025

Date of Decision: 26.08.2025

Arpita Mandal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Surinder Sharma, Advocate
for the petitioner.

Mr. Neeraj Sheoran, Sr. DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.0016 dated 30.01.2025 registered under Sections 3(5) and 306 of the Bharatiya Nyaya Sanhita, 2023, at Police Station DLF Phase-1, District Gurugram.
2. Status report filed by learned State counsel, in Court today, is taken on record.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that as per case of the complainant, the petitioner was employed by him on 04.11.2024 as a worker through an agency. In the intervening night of 22.01.2025, the petitioner along with her accomplices left the premises without any information after stealing the jewellery and other electronic items worth

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Rs.27,37,000/-.

4. Learned counsel for the petitioner further contends that the petitioner has no concern with the alleged occurrence dated 22.01.2025 and the FIR in question was registered on 30.01.2025 i.e. after an unexplained delay of 08 days. He further argued that the petitioner has recently delivered a child on 03.06.2025 and the arrest of the petitioner at this stage would not be justified as the presence of mother is necessary for the child. Moreover, the petitioner has no criminal antecedents. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

5. After registration of the FIR, investigation proceedings have been initiated and are under way. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Gurugram, vide order dated 31.05.2025.

6. On the other hand, learned State counsel has opposed the prayer for grant of anticipatory bail. While referring to the status report, it is argued that the allegations levelled against the petitioner are serious in nature. He has further submitted that the present petitioner was clearly visible in the CCTV footage when she left the house of the complainant with two suitcases with another accomplice on 22.01.2025. In the present case, the petitioner has committed theft of jewellery and other items worth Rs.27,37,000/-. The petitioner was also in touch with other co-accused in this crime. The matter is under investigation and to effect the recovery of stolen items, the custodial interrogation of the petitioner is required for



proper and thorough investigation in the matter. Hence, he prays for dismissal of the petition.

7. 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 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."

8. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of

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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 hereby dismissed.

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

26.08.2025

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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