

2025:PHHC:122544



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.45514 of 2025
Date of Decision: 09.09.2025
Reserved on: 04.09.2025

Nagender Nagar @ Naggi ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Shiv Kumar, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
83	27.06.2025	Tigaon, District Faridabad	109(1), 117(2), 190, 191(2), 191(3), 333, 351(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 of Arms Act, 1959

2. The aforementioned FIR was lodged on the basis of a complaint submitted by the complainant Nitin Nagar alleging that on

2025:PHHC:122544



26.06.2025 at about 2:40 PM, his father Sumer Singh Nagar was getting construction work done in their plot when as per a conspiracy hatched by the members of gang of the petitioner, an attack was launched upon him with an intent to kill him. The incident was captured in the CCTV footage of the camera installed therein. He further alleged that the petitioner and the co-accused named in the FIR had been extending threats to his father from quite sometime. It was also disclosed by him that his father who was in a critical position at that time had disclosed to him that the present petitioner along with co-accused Sunder, Pawan and Bhagat were present in the roof of his house at the time of occurrence and had instigated the assailants to not to spare him (victim) and to kill him. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Session Judge, Faridabad vide order dated 06.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is not seen in the CCTV footage of the camera relied upon by the prosecution. He was not even present at the spot at the time of the occurrence. He has been named in the FIR on account of previous enmity because of pending litigations between the complainant party and himself. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, urged that he deserves to be given benefit of pre arrest bail.

4. Status report has been filed. It is argued by learned Deputy

2025:PHHC:122544



Advocate General, Haryana assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioner who was infact the main conspirator who had hatched conspiracy for opening an attack upon the victim. The co-accused Mohit @ Sonu who has since been arrested has suffered disclosure statement to the effect that attack was planned by the petitioner and it was on his asking, they had caused injuries to him. As many as 11 injuries were sustained by the victim in the occurrence. All these injuries are opined to be grievous in nature. The petitioner had given a pistol to the co-accused Bhalu who had used the same at the spot of occurrence by firing a shot in the air. He is the mastermind of the crime. For conducting thorough and proper investigation in the matter as well as for effecting recovery of the pistol and to elicit information about whereabouts of the vehicle used in the crime, his custodial interrogation is must. He is a habitual offender since as many as seven cases some of which are of similar nature and others are of heinous nature, have been registered against him. With these broad submissions, it is urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused in pursuance of which, the co-accused formed membership of an unlawful assembly and in prosecution of common object thereof, criminally trespassed into the plot of the victim and caused grievous injuries to him. Though as per the medical opinion, these injuries have not been opined to be dangerous to life, however, on a perusal of the CCTV footage and as well as

2025:PHHC:122544



on perusal of medical record, it is apparent that the victim was brutally assaulted and had sustained serious injuries. The allegations against the petitioner are serious in nature. His active participation or presence at the spot might not have been shown but he is alleged to be main conspirator behind the crime. If custodial interrogation is denied to the investigating agency, the same will leave many glaring loopholes and gaps thereby adversely affecting the investigation.

7. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The Court must be circumspect while exercising power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the

2025:PHHC:122544



evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

09.09.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No