

CRM-M-47452-2025

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

CRM-M-47452-2025 (O&M)

Decided on: 28.08.2025

Vicky @ Nanak

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Pooja Jaglan, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.with
Mr. Tanuj Sharma, AAG, Haryana.**Rajesh Bhardwaj, J.****CRM-34024-2025**

Allowed as prayed for.

Main case

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No. 79 dated 15.02.2025, registered under Sections 115(2), 118(1), 191(2), 191(3), 351(3), 109(1), 238 BNS, 2023 at Police Station Old Industrial, Panipat.

2. Succinctly facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Ajit. It was alleged that on 15.02.2025 at about 12:00 at night, when the complainant, Ashu and Ranjeet were coming back after dropping Rakesh son of Dayanand, they found Aman, Nanak (petitioner) and Rakesh @ Chitta were standing on the way. They started abusing and thereafter, they started beating them. Aman and Rakesh @ Chitta caught hold Ashu, whereas, Chun Chun gave multiple knife blows in the stomach of Ashu. Chun Chun also gave knife blow on the neck of Ashu. Nanak and Rahul Chitta gave fist



blow to him. They raised alarm and on hearing, they escaped from the scene of occurrence alongwith their weapons. Request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. The injured was shifted to the Hospital, where he was found to have been suffered seven injuries. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Panipat, 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 16.07.2025. 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. She has submitted that the only allegation against the petitioner is that he gave fist blow to the injured. As is evident from the allegations made in the FIR, it was the co-accused Pawan @ Chun Chun, who gave knife blow to Ranjit and Ashu. She submits that the petitioner has no criminal antecedents and thus, 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 specific role has been attributed to the petitioner alongwith the co-accused, who have caused serious injuries to the injured. 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 petitioner is specifically named in the FIR.

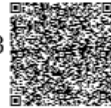


All the accused including the petitioner came together. Some of them caught hold the injured and the petitioner gave fist blow, whereas, Pawan @ Chun Chun gave knife blow to Ashu and Ranjit. The injuries suffered by injured Ashu and Ranjit were opined to be dangerous to life. The arguments raised by counsel for the petitioner that the petitioner gave fist blow only, is not sufficient for enlarging him on anticipatory bail.

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.

28.08.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No