



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
105

CRM-M No.47396 of 2025
Date of decision: 29.08.2025

Parvej ... Petitioner
Vs.
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ravinder Bangar, Advocate,
for the petitioner.

Mr. Apoorv Garg, Addl. AG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

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
467	11.07.2025	Gurgaon Sadar, District Gurugram, Haryana	309(6) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (3(5) of BNS added later on)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis of a complaint lodged by the complainant Sham Ji alleging therein that in the morning of 11.07.2025, he was going towards his work place and while on the way, he was intercepted by three youths who snatched his

2025:PHHC:117046



mobile phone, forced him to disclose the password and his bank account number and got transferred an amount of Rs.14-15,000/- online to their account and then after extending threats to him, fled away in their car. After registration of FIR, investigation proceedings have been initiated and are underway. During the course of investigation, the accused Rahim Sarkar had been arrested. He suffered disclosure statement admitting his involvement in the crime and also disclosed the active participation of the present petitioner on the basis of which the petitioner has been nominated as an accused. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 08.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No recovery is to be effected from him. He is ready to join the investigation. His custodial interrogation is not required. It is, therefore, urged that the petition deserves to be allowed.

4. Notice of motion.

5. Mr. Apoorv Garg, Addl. AG, Haryana has advance notice of the petition and is ready to argue the matter. He has placed on record a copy of disclosure statement stated to be suffered by co-accused Rahim

2025:PHHC:117046



Sarkar which shows that the above named Rahim Sarkar had disclosed that the petitioner along with him had snatched cell phone of the complainant, forced him to disclose his password and the petitioner had got transferred an amount of Rs.14,600/- in the bank account of someone else as well as in the bank account of Rahim Sarkar and then withdrawn the entire amount by himself. It is argued that the custodial interrogation of the petitioner is must for conducting thorough investigation and it is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner along with the co-accused is alleged to have robbed the complainant of a sum of Rs.14,600/- and of his mobile phone on the fateful day. The co-accused in his disclosure statement has disclosed about the active involvement of the petitioner in the crime. The allegations against the petitioner are quite serious in nature. For conducting thorough and proper investigation in the matter, his custodial interrogation is must. He has criminal antecedents as he is shown to be involved in four cases of similar nature and two cases under the provisions of Gambling Act. 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 powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred

2025:PHHC:117046



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. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such 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. 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 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

2025:PHHC:117046



shall not be construed as an expression of opinion on the merits of the case.

29.08.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No