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

CRM-M No.48545 of 2025

Date of Decision: 01.09.2025

Vikas Kangra @ Vikas Kumar**..... Petitioner****Versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********

Present: Mr. Ajay Kalra, Advocate and
Ms. Isha Janjua, Advocate
for the petitioner.

*********RAJESH BHARDWAJ, J.**

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.0176, dated 31.05.2025, under Sections 25(1-B)(a) of Arms Act, 1959 and Sections 109(1), 115, 190, 193(3), 324(4), 351(3) of BNS, 2023, registered at Police Station Sector-5, District Gurgaon, Haryana (Annexure P-1).

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Vijay son of Devendra. It was alleged that he was sitting near Chhoti Mata Mandir along with Akash, Yuvraj and Kunal. All of sudden one car make Kia Seltos came from the side of cremation house, which was being driven by Ashu and Sagar was sitting on the passenger seat. On the rear seat, 03 unknown young boys were sitting with muffled faces. There



were 5-6 two wheeler vehicles as well following the same car and 15-16 young boys were there. All were carrying wooden sticks and some country made pistols too. Sagar pointed pistol towards the complainant and thereafter, he shot at him with intention to kill but the complainant ran to escape. The pellets of the bullet hit on the back and left hand of the complainant. Those boys also damaged the motorcycle of the complainant as well as the material kept in the office and took away the DVR of the CCTV cameras installed in the office. When the crowd gathered, on hearing the commotion, all the accused escaped. It was requested to take legal action against Sagar, Ashu, Deepak, Sohail, Deepak @ Ganji, Vishal Kangra, Baljeet, Vikas Kangra (petitioner), Abhishek, Vishal Khattar and other 17-18 persons. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for the grant of anticipatory bail. However after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Gurugram dismissed the bail application filed by the petitioner vide order dated 14.08.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that as per the allegations, it is the co-accused, namely, Sagar, who fired shot at the complainant. He has submitted that brother of the petitioner had earlier lodged the FIR bearing No.408, dated 07.12.2024,



under Sections 109(1), 3(5) of BNS (Section 103(1) of BNS added later on) and Section 25 of Arms, Act, against the accused persons, wherein they had murdered a young boy, namely, Lucky, who was an acquaintance of the petitioner. He has submitted that the petitioner is one of the eye-witness in the said FIR. He has submitted that the petitioner has been roped in the present FIR in a premeditated manner as a counter blast to the FIR registered by the brother of the petitioner. He has submitted that no prima facie case as alleged against the petitioner is made out and thus, he deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of the respondent-State.

6. At this stage, Mr. Abhimanyu Singh, Advocate has appeared and filed his memorandum of appearance on behalf of the complainant, which is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner and has submitted that no ground for the grant of anticipatory bail to the petitioner is made out and thus, the present petition deserves to be dismissed.

7. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is the main conspirator, who had provided the fire arm used in the occurrence. He, on instructions, has submitted that 08 other FIRs have been registered against the petitioner. He has submitted that the case is under investigation. He has thus submitted that no case for the grant of anticipatory bail to the petitioner is made out.



8. I have heard learned counsel for the parties and perused the record with their able assistance.

9. It is deciphered that the petitioner along with the co-accused had opened attack on the complainant side. The injuries caused have been corroborated by the MLR produced. The DVR of the CCTV cameras had also been taken away by the assailants. As submitted before this Court by the learned State counsel, the petitioner is facing prosecution in 08 other FIRs. Needless to say that the investigation is under investigation.

10. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“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."*

11. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a*



reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

12. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, 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 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations 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.”

13. 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 found. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

14. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

01.09.2025

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

(RAJESH BHARDWAJ)
JUDGE