



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-51723 of 2025

**Reserved On: 15.09.2025
Pronounced On: 16.09.2025**

Aman Awana

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Aman Pal, Advocate
for the petitioner(s).

Ms. Deepali Verma, Assistant Advocate General,
Haryana, for the respondent.

Mr. Raahat Kataria, Advocate
for the complainant.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 333, 109(1), 115, 190, 191(3) and 351(2) of BNS and Section 25 of the Arms Act, 1959 (Sections 117(2) and 238(B) of BNS), the FIR No. 130 dated 01.03.2025, Police Station Suraj Kund, District Faridabad, has been lodged. For the investigation of abovesaid case, the police is trying to arrest the petitioner. Apprehending his arrest, the instant petition for anticipatory bail has been filed by the petitioner.

2. In nut-shell, the facts emerging from record are that the FIR in this case came into being in view of a complaint submitted by Arun Rai, the complainant. In his above mentioned complaint, addressed to Incharge, Police Post Ankhir, it was stated by the complainant that he was a

businessman, and also involved in social work with the Member of Parliament, namely Sh. Ramveer Singh Bidhuri. According to complainant, a dispute had cropped-up due to unwarranted comments posted by Mahesh Awana, on social media platform against Sh. Ramveer Singh Bidhuri, the Member of Parliament, for one issue or the other, and in the above mentioned social media messages, the complainant was referred as broker of Sh. Ramveer Singh Bidhuri. According to complainant, to counter the above mentioned messages, he, too, posted comments on social media against Mahesh Awana and in this way, they developed a rivalry.

3. It was further stated by the complainant that on 28.02.2025, he along with his sons, namely Aniket Rai and Ankit Rai had attended reception ceremony of the son of Ravindra Chaudhary, resident of Mithapur at Khalsa Garden, Faridabad and that after the ceremony, he came out of the venue and was waiting for car, to be brought by his son Aniket Rai from parking. According to complainant, there 8/10 persons launched an attack upon his son Aniket Rai with sticks and iron rods. As per the complainant, when his son cried for help, he along with his another son Ankit Rai rushed towards the above said spot and found that his son was under severe attack launched by the assailants, with the help of sticks and punches. It was further stated by the complainant that amongst the assailants, he identified two persons, namely Amar Awana, carrying an iron pipe, and Aman Awana, carrying a pistol. It was further stated by the complainant that Aman Awana had fired gunshots with an intention to kill him, but he narrowly escaped, and thereafter, the crowd gathered on the spot and the assailants fled from the spot. According to complainant, even while

leaving the spot, Aman Awana shouted and threatened to teach a lesson in future.

4. It is the case of the prosecution that in response to above mentioned complaint, a formal FIR in this case has been lodged and the investigation taken up.

5. Heard.

6. At the very outset, it has been contended by learned counsel for the petitioner, that instant case is case where no gunshot injury has been suffered by the victim, and that other injuries found on the person of victim have not been attributed to the petitioner. The learned counsel for the petitioner has further contended that the petitioner, due to political rivalry, has been falsely implicated in the present case, and that it has been falsely claimed that the petitioner had fired gunshots, because the petitioner does not have any license. According to learned counsel for the petitioner, he has been a student leader and opted to pursue his career in the same field, i.e. politics, but due to political rivalry he has been roped in a false case, despite the fact that the complainant and the petitioner are supporters of the same political party.

7. In addition to above, it has also been contended by learned counsel for the petitioner that the credibility of prosecution story, with regard to use of pistol by the petitioner, stands impeached in view of the fact that as per complainant, only one gunshot was fired by the petitioner, but later on, during the course of investigation, it has been developed that after a long gap, one more empty cartridge has been recovered from the spot. The learned counsel for the petitioner has contended that the abovesaid move of

the Investigating Agency makes it abundantly clear that investigation in the present case has not been conducted in an impartial manner.

8. According to learned counsel for the petitioner, in the present case, the benefit of bail has already been accorded to the co-accused, namely Anand Awana and Amar Awana, and that custodial interrogation of the petitioner is not required as, by giving direction to the petitioner to join investigation, the purpose of Investigating Agency, to make inquiries from the petitioner, would be fulfilled. In view of above, learned counsel for the petitioner has requested for the benefit of anticipatory bail for the petitioner.

9. Per contra, the learned State counsel being assisted by learned counsel for the complainant has argued that the name of petitioner figures in the FIR and that there are very specific and categoric allegations of use of fire arm, with an intention to kill the victim, against the petitioner. According to learned State counsel, the petitioner is one of the main accused in the present case and that on the ground of parity, the petitioner is not entitled for the benefit of anticipatory bail. As per learned State counsel, the benefit of bail was accorded to his co-accused, namely Amar Awana and Anand Awana because they had used blunt weapons only, and did not cause any grievous injuries on the person of the victim. According to learned State counsel, otherwise also, the above named two co-accused were arrested earlier and released on bail subsequently only, after three months of judicial custody.

10. The learned State counsel has further argued that in order to establish identity of other assailants and to recover weapon from the possession of accused, custodial interrogation of the petitioner is required.

According to learned State counsel custodial interrogation of an accused is a valuable right of the Investigating Agency, and that in case of denial of above mentioned opportunity to the prosecution, in the present case, the investigation of this case will suffer a set-back and may not take a proper headway.

11. The record has been perused carefully.

12. In the present case, at the very outset, it is relevant to mention here that the instant case is a case wherein the role attributed to the petitioner is that he had fired the gunshot(s). There are very emphatic, categorical and specific allegations against the petitioner that he had fired the gunshot(s) with an intention to kill the complainant. The recovery of empty cartridge from the spot lends support to the prosecution story, with regard to use of fire arm at the spot. Since the name of petitioner specifically figures in the FIR, with regard to above mentioned act, the role attributed to him attains grave dimensions.

13. It is also relevant to mention here that two co-accused, namely Anand Awana and Amar Awana, who have been accorded the benefit of bail, got the above mentioned benefit after being in custody for a period of more than three months, and they remained in custody despite the fact that any weapon, which could have been used to cause dangerous to life injury, has not been attributed to them. In the above mentioned fact situation, the recovery of weapon is one of the most significant piece of evidence in the present case, and the petitioner is the only person who is aware of the whereabouts of such weapon.

14. In addition to above, it is also relevant to mention that custodial

interrogation of the petitioner has been demanded by the prosecution in order to ascertain the identity of other co-accused, whose name could not be mentioned in the FIR.

15. It shall not be out of place to mention here that remedy of anticipatory bail is an extraordinary remedy for a person who is accused of grave offence. With regard to such relief, the Hon'ble Supreme Court of India in the case of *Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282*, has observed that power to grant anticipatory bail is extraordinary power. In the above-mentioned case, it has also been held that irrespective of the fact that in a number of cases it has been held that bail is a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is a rule.

16. The Hon'ble Supreme Court of India in the above mentioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the above said power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice, and hamper the investigation.

17. Similarly, in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024)*, the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave

offence.

18. In the case of *Gurbaksh Singh Sibba etc. v. State of Punjab* 1980 SCC (2) 565, the Hon'ble Supreme Court of India has also held that:-

- i) the power under Section 438, Criminal Procedure Code, is of an extra-ordinary character and must be exercised sparingly in exceptional cases only.
- ii) the said power is not unguided or uncanalized but all the limitations imposed in the preceding Section 437, are implicit therein and must be read into Section 438.
- iii) in addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- iv) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

19. Taking into consideration the cumulative effect of all the above discussed legal propositions, and the fact situation of this case, it is hereby held that if an opportunity of interrogation of the petitioner is denied to the Investigating Agency it will scuttle the investigation of this case, and the set back to the Investigating Agency would be beyond repair. Hence, it can be safely concluded in the present case that instant case is not a case wherein

the discretion should be exercised in favour of petitioner. Thus, finding no merit in the present case, it is hereby held that the instant petition for anticipatory bail deserves dismissal. The present petition is hereby dismissed, accordingly.

(Surya Partap Singh)
Judge

September 16, 2025
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No