



CRM-M-53414-2025

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

CRM-M-53414-2025

Date of decision: 22.09.2025

Prince Kumar

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kuljit Singh, Advocate for the petitioner.

Mr. Amit K. Goyal, Additional Advocate General, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.0096 dated 11.09.2024 registered for offences punishable under Sections 310(2) of BNS, 2023 at Police Station Shimlapuri, District Ludhiana.

2. The gravamen of the FIR reflects that on 09.09.2024 at about 03:00 PM, the complainant namely Sanjay Chaudhary son of Dhanipat Chaudhary, resident of House No.357, Street No.01, New Janta Nagar Colony, Ludhiana, aged about 32 years, was present in his shop engaged in repairing the mobile phones. At that time, the complainant alleged that 04 unknown persons with masked faces entered his shop. They were armed with kirpans and one of them was carrying a pistol which he placed on the counter of the shop to threaten the complainant. On the basis of weapons the accused were carrying, they looted the mobile phones of different companies kept in the shop of the complainant. Out of these, 08 phones were in working



conditions whereas 12 phones were non-working. It was further alleged that after committing the robbery, all the accused fled from the shop with the looted phones. When the complainant came out of his shop, he noticed that two more accomplices of the accused were waiting outside on motorcycles. On raising the alarm, all the accused persons ran away from the spot alongwith their respective weapons and stolen mobiles. On the basis of the aforesaid complaint, the instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the name of the petitioner does not appear in the FIR nor any specific allegation has been attributed to him. According to learned counsel, the FIR was registered against some unknown persons with muffled faces entering the shop of the complainant and committed the theft of the mobiles. The petitioner is neither named as an accused in the FIR nor he has been identified by the complainant at any stage. Learned counsel has further submitted that despite there being no direct or indirect involvement of the petitioner in the alleged occurrence, he has been roped into the present case without any credible evidence. It has been further argued that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.



4. *Per contra*, learned State counsel (on the strength of the advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to learned State counsel, the allegations are of serious and grave in nature involving robbery committed by a group of armed persons. Although the name of the petitioner does not figure in the FIR but during the course of the investigation, sufficient evidence has surfaced linking him with the present case. It is further argued that the custodial interrogation of the petitioner is necessary to recover the stolen mobile phones and weapons used in the commission of the crime and to ascertain the role of each accused. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR pertains to an incident of armed robbery wherein 20 mobile phones were looted from the shop of the complainant. The accused persons were armed with deadly weapons including a pistol thereby creating fear and terror at the spot. The offence alleged is of a heinous nature. The stand of the State before this Court is that the investigation conducted so far has reportedly disclosed the material suggesting the involvement of the petitioner. At this



stage, when the investigation is in progress and recovery of the looted articles (mobile phones) and weapons are yet to be effected, in the considered opinion of this Court, the grant of anticipatory bail to the petitioner would hamper the investigation.

7. The Court cannot be oblivious to the fact that the offence of this nature not only affect the individual but also create sense of insecurity in the public at large. Protection of such offenders at the stage of investigation would send a wrong signal to Society and embolden others to indulge in similar unlawful activities. The power under Section 482 of BNSS, 2023 is meant to protect innocent persons from unnecessary harassment and false implication but the same cannot be extended to those against whom there are *prima facie* serious allegations supported by material collected during investigation. The allegations, if found to be true, point towards a deliberate and calculated attempt to commit day light robbery being carried out by group of armed persons. Such an act not only reflects a flagrant disregard for the law but also demonstrates a serious threat to public safety at large. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

8. A perusal of the FIR reveals that though the name of the petitioner does not figure in the same but during the course of investigation the investigating agency has collected ample and sufficient evidence which linked him with the commission of the offence in question. In the considered opinion of this Court, the offence of this nature is serious in nature for which custodial interrogation of the petitioner may be necessary to



recover the stolen articles i.e. mobile phones and weapons used in the commission of the crime and to ascertain the role of each accused. In the considered opinion of this Court, granting anticipatory bail at this stage may likely to hamper the on going investigation.

9. The factual milieu of the case in hand reflects that the FIR in question was registered on 11.09.2024, the petitioner (herein) had filed the anticipatory bail plea before the Sessions Court in December, 2024 which came to be dismissed by the said Sessions Court on 20.12.2024. The petition in hand has been filed before this Court on 18.09.2025. There is no explanation much less cogent and convincing explanation put forth by the petitioner regarding this hiatus of about 09 months. *Ergo*; the petition in hand deserves to be dismissed on this score as well, apart from merits thereof. Moreover, no cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the accused persons, who were armed with deadly weapons including a pistol and by creating fear and terror, looted the mobile phones from his shop which has caused severe financial and emotional distress to him.

10. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide



impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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 task of disinterring offences would not conduct themselves as offenders.”

11. In view of the gravity of the allegations, the stage of the investigation, recovery of the stole articles as also the necessity of the custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

12. In view of the prevenient ratiocination, it is ordained thus:



- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 22, 2025
Ajay

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