



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

216

CRM-M-53974-2025

Date of decision: 29.10.2025

Mintu alias Manta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Rajesh Bansal, Advocate for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case FIR No.179 dated 10.08.2024, registered against him, for commission of offences punishable under Sections 406, 420, 506 IPC, at Police Station Sanoli, District Panipat, has prayed for grant of pre-arrest bail.
2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Cheenu, resident of Village Chhajpur Khurd, Police Station Sanoli, District Panipat, who had lost her husband on 27.12.2020, set the criminal law in motion by filing a complaint pointing therein that her late husband had purchased a vehicle (make Eicher) bearing registration No.HR-67C-4674, in 2020. Few years, thereafter, she received a phone call from accused Rajender Soni, who requested her to give the said vehicle on rent. She accepted this offer and on 16.08.2023, she along with her mother visited Tehsil office in Jind. The vehicle was given on rent to accused Rajender Soni for a period of one year from 16.08.2023 to 15.07.2024. Both the parties agreed that the rent would be paid at the rate of Rs.40,000/- per month. On the same day, the vehicle was taken by accused Rajender Soni. Complainant alleged that quite contrary to the agreement,



accused Rajender paid the rent of the vehicle for only 2 months. When she demanded the rent from him, he started prolonging the matter on one pretext or the other. Through reliable sources, she came to know that accused Rajender had changed the body of the vehicle and was using the same for illegal purposes. It also came to her notice that Rajender along with Manta (present petitioner) son of Baru Ram and one Anwar Khan were using the vehicle for smuggling illegal liquor. She requested all 3 accused to return the vehicle, however they threatened to get her killed. With this backdrop, she requested to authorities to initiate legal proceedings against 3 persons mentioned above as also to recover her vehicle. On the basis of the said complaint, a formal case vide FIR No. 179 dated 10.08.2024 was registered against the present petitioner and other co-accused.

3. Apprehending his arrest, petitioner Mintu @ Manta filed an application for grant of pre-arrest bail. The same came to be dismissed by learned Sessions Judge, Panipat vide order dated 11.09.2025. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner, who is engaged in the transport business, has been falsely implicated in the present case. Main accused Rajender Soni was working as a driver for petitioner from October 2020 to April 2022. During this period, Rajender Soni had stolen Rs.5 lakhs and when he (P) came to know about the same, Rajender was terminated from the job. However, Rajender assured that he would return the amount within a period of 6 months. In January 2023, petitioner visited the house of Rajender Soni and requested him yet again to return the amount, when quarrel took place between them. The matter was reported to the police. Rajender accepted his mistake and assured that he



would make the payment within 3 months. Unfortunately for the petitioner in February 2023, he was falsely implicated in a case under Excise Act by Bihar Police and was confined to Baure Jail, Bihar. It was only in November 2023 that he (P) was released.

Learned counsel for the petitioner further submits that during the period, petitioner was confined in Jail, accused Rajender had taken the canter of complainant and had disposed of the same by misstating that he had handed over the canter to petitioner, who is misusing the same for smuggling of liquor. The crux of submission raised by learned counsel for the petitioner is that petitioner is not in any which way involved in the incident. It is Rajender Soni who has actually cheated complainant and has misstated the facts. Thus, as per learned counsel, the custodial interrogation of petitioner is not required for nothing is to be recovered from him. Prayer has been made to grant the concession of anticipatory bail to the petitioner.

5. Status report dated 15.10.2025 by way of an affidavit of Mr. Atma Ram, HPS, Deputy Superintendent of Police, Panipat has been placed on record. In para 3 thereof, the role of the petitioner has been highlighted. As per investigation conducted till date, co-accused Rajender during interrogation disclosed that after taking the vehicle (make Eicher) on rent from complainant, he had handed over the same to the present petitioner and that subsequently, when he (co-accused Rajender) requested the petitioner to return the vehicle he (P) refused. It also came to the notice of the IO that on similar plea a complaint against petitioner and one Anwar Khan had been registered, both of whom had sold the same (vehicle) to one Ashish Sharma.



In the status report, it has also been pointed out that one Atmanand, son of Rai Singh, r/o Village Mirchpur, Tehsil Narnond, District Hisar, had submitted a complaint against co-accused Rajesh, Mintu @ Manta (present petitioner), Anwar Khan @ Kalia and their companions alleging therein that they all are habitual offenders and members of an organized gang, which cheat innocent persons by deceitful means. They had also induced him (Atmanand) to give two trucks on rent to them. Certain documents were also got executed by taking undue advantage of his illiteracy, thus, he was deceived. In fact, an agreement to sell was prepared, as also without his knowledge the vehicles were financed. Thus, the submission of learned State counsel while opposing the request for grant of anticipatory bail is that till date the vehicle has not been traced, thus, the custodial interrogation of petitioner is needed to find out the said vehicle as also to know the whereabouts of the other accused who all are members of the group, involved in this racket. While referring to para 5 of the status report, learned State counsel further submits that even the past antecedents of the petitioner are quite questionable; he being involved in 2 other cases of Excise Act. Dismissal of the anticipatory bail has been prayed for.

6. Heard. Documents on record perused.

7. Before expressing any opinion on submissions raised by both the counsels, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.



Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

Hon'ble the Supreme Court while deciding the case titled as "**Ms. X Vs. The State of Maharashtra and another**" (2023 SCC Online SC 279) held as under:-

"11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for



valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

*12. In **Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had held as under:-*

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail."*



In *Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another*, 2025 AIR SC 3375, the Hon'ble Supreme Court held that "*Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.*"

Hon'ble Supreme Court in plethora of judicial precedents including *Gurbaksh Singh v. 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 facts like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. 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.

8. Factual aspects of the case leading to the lodging of the FIR have already been noted in para 2 of this order. In brief, the case set up by complainant is that she had executed a rent agreement with co-accused Rajender vide which she had rented out the vehicle (make Eicher bearing registration No.HR-67C-4674) to him, at the rate of Rs.40,000/- per month. She was paid rent only for 2 months. When she demanded the due rent and made a request to Rajender to return the vehicle, she was threatened with dire consequences. She enquired into the matter herself and further mentioned in the complaint that co-accused Rajender (already arrested), Mintu @ Manta (present petitioner yet to be arrested), Anwar Khan (yet to be arrested) were using the vehicle for smuggling illegal liquor. After the FIR was registered, it came to the notice of the police officials that co-accused Rajender had also submitted a complaint before Superintendent



Police, Jind against present petitioner and co-accused Anwar Ali, alleging therein that he had given the vehicle to aforesaid 2 persons, who are now refusing to return the vehicle. Similar complaint was received against present petitioner and others by a resident of District Hisar.

Admittedly, the vehicle in question has not been recovered, neither the other accused namely Anwar Khan has been arrested. In the light of factual aspects mentioned hereinabove, the Court is of the opinion that custodial interrogation of petitioner is needed to unearth the entire chain of conspiracy, to find out who all are involved in this racket, to trace the vehicle etc. Resultantly, petitioner has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

9. Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

29.10.2025
Hemant

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