



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

221

CRM-M-56838-2025

Date of decision: 10.12.2025

Raj Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Suresh Kumar Arya, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case bearing FIR No.167 dated 12.09.2025 registered against him at Police Station Kamboj, District Amritsar, for the commission of offences punishable u/s 305, 3(5) of BNS, has prayed for grant of pre-arrest bail.

2. Proceedings in the present case were initiated on the basis of complaint lodged by one Ranjit Singh @ Rana, son of Gurmukh Singh, resident of House No.81, Muskan Avenue, Fatehgarh Churian Road, Amritsar, construction contractor by profession, who pointed out that some of the construction material and other machinery etc. were lying in his godown missing at Bhaini Gilla, which remains locked in his absence. He occasionally visits the godown after 4-5 days. On 04.09.2025, he had checked the goods at godown, he again visited the premises on 09.09.2025, when he noticed the main gate of the godown broken and certain articles, the details of which have been mentioned in the complaint missing. He searched for the articles on his own but could not find any clue, hence filed the



complaint.

With this backdrop, request was made to police authorities to catch hold of all those who were involved in the incident, to recover the stolen articles, as also to initiate appropriate criminal proceedings. On the basis of the said complaint, a formal case vide FIR No. 167 dated 12.09.2025, under Sections 305, 3(5) of BNS, was registered against the petitioner.

During the course of investigation, on the basis of reliable clues, police authorities arrested 3 persons namely Paramjit Singh @ Sonu, son of Malook Singh; Pawandeep Singh @ Pamma, son of Balkar Singh and Vicky, son of Tarsem Singh. All 3 of them were interrogated who admitted that they had committed the theft and thereafter had sold the stolen items to petitioner who runs a scrap shop. In lieu thereof, the money given by the petitioner had been spent by them on purchasing drugs etc. Thus, admittedly the name of the petitioner cropped up in the disclosure statements of the 3 accused who were arrested by the police.

The case that had been set up by the prosecution is that the custodial interrogation of the petitioner is needed to recover the stolen articles (the details of which are mentioned in para 8 of the status report).

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Amritsar, which was dismissed vide order dated 01.10.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He was not named in the FIR.

His name cropped up only in the disclosure statements of co-accused



Paramjit Singh @ Sonu, Pawandeep Singh @ Pamma and Vicky. Further the fact that FIR was lodged after delay also raises question mark on the genuineness of the story put forth by complainant. It is further the contention of learned counsel that petitioner was not aware that the goods purchased by him are stolen articles. Nonetheless, the petitioner is willing to join the investigation as and when called for by the IO. Primarily on these grounds, it was prayed that concession of pre-arrest bail be granted to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report filed by way of an affidavit of Mr. Yadwinder Singh, Deputy Superintendent of Police, Amritsar, submits that custodial interrogation of petitioner is needed to recover the stolen articles, which are said to be in his possession. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner and learned State counsel, it would be appropriate to refer to certain relevant 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 stated that :-*

"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.*”

8. Factual aspects leading to the lodging of the FIR have already been noted hereinabove. Petitioner who is a scrap dealer, is alleged to have knowingly purchased stolen articles (one motor of fridge, ceiling fan, wiring wires, submersible pump along with wire, 5 quintals of iron bars used in construction of bridge, hammer, three gas cutter set, 2 cylinders, 2 sacks of steel utensils, 4 buckets of hydraulic liquid, Aluminum Cover of Polkline Machine, 2 batteries and 8 pieces of iron angle channel) at nominal rates from the 3 accused namely Paramjit Singh @ Sonu, Pawandeep Singh @ Pamma and Vicky, who had stolen these articles from the godown of the complainant. As regards delay in lodging FIR is concerned, suffice it would be to point out that the explanation given by complainant in his complaint that initially he was busy making enquiries at his own level, when he failed in his attempt, he lodged the complaint, the same appears to be genuine. At this stage, the case of the prosecution cannot be doubted only on this ground.

When viewed as a whole, the Court is of the opinion that the presence of the petitioner is needed for custodial interrogation to recover the stolen articles. Petitioner has, thus, 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. The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

10.12.2025
Hemant

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