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

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Date of Decision: 18.11.2025

Jaswinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rajiv Katarira, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.114 dated 11.09.2025 registered under Section 9-B of Explosive Act, 1884 and 223(a), 288 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Tigaon, District Faridabad.

2. Brief facts as per the prosecution case are that a secret information was received that an illegal firecracker manufacturing unit is being operated from the fields of Village Alipur. After conducting raid, significant quantity of raw material used for manufacturing/preparation of firecrackers was recovered. Initially, the FIR in question was registered against the co-accused Rohit Kumar @ Happy.

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3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that neither the petitioner was named in the FIR nor has any concern with the said offence. He argues that the petitioner is only a commission agent and deals with small sized crackers. He further contends that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Rohit Kumar @ Happy and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible in evidence. Apart from the disclosure statement, there is no other evidence against the petitioner. No recovery is to be effected from the petitioner. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Faridabad, vide order dated 03.10.2025.

5. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, she has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. She argues that it is the petitioner who is running the illegal firecracker factory in Alipur and he had asked co-accused Hardeep @ Happy to provide him labour for manufacturing firecrackers. She further submits that the petitioner is having contacts with



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co-accused Sonu and Yogender through co-accused Hardeep @ Happy and all of them started manufacturing firecrackers. She further argues that after conducting raid, significant quantity of raw material for manufacturing/preparation of firecrackers was recovered. She further argues that custodial interrogation of the petitioner is required to ascertain the linkages in the business of selling and trading of illegal firecrackers and to obtain information regarding the modus operandi. Hence, she prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature. As per the disclosure statement of co-accused, the petitioner along with other co-accused, is indulged in the business of manufacturing/preparation of illegal firecrackers. There is significant quantity of raw material has been recovered which was to be used for manufacturing/preparation of firecrackers. This Court finds force in arguments of learned State counsel and is of the view that custodial interrogation of the petitioner is required to unearth the *modus operandi* and to complete the investigation, which so far indicates involvement of the petitioner in the supply of firecrackers.

8. 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 interest(s). 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. It would be apposite to refer



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herein judgment of Hon'ble Supreme Court in '*State Vs. Anil Sharma*', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

18.11.2025

D.Bansal

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