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

CRM-M No.61055 of 2025

Date of Decision: 03.11.2025

Naveen Kumar @ Dhangawala

..... Petitioner

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhimanu Jangra, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.273, dated 16.07.2025, under Sections 308(5), 351(2) of BNS (Section 111(3) added during investigation), registered at Police Station Bilaspur, District Gurugram.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Harvinder Singh S/o Dayaram. It was alleged that there is warehouse of a Company, namely, Pragati which is at a distance of 2-3 kms from his village. The complainant had taken the tender for loading and unloading in the same. In April, 2025, the company closed its warehouse in Rewari and came to Binola. He also shifted his work to Binola along with the same Company. In the month of April, 2025, Nitesh @ Panja along with his friends Rahul



@ Badshah and Mukul came to the warehouse at Binola and threatened him that if he wanted to work in the warehouse he had to work with them, failing which, he would not be allowed to work. They threatened him by proclaiming that they were the members of gang of Sube Gurjar and many criminal cases are already registered against them. Though he agreed to pay them half of the money but they did not agreed and asked to give every month. It was further alleged that 2-3 days ago those persons again came to him and told him that they have received order from Naveen Kumar @ Dhagawala (petitioner) that they would do the work of the Company by themselves or he had to pay them Rs.50,000/- per month along with half of the share of every month. As he expressed his inability for the same thus, they started giving him threat calls. Thus, request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Gurugram dismissed the petition filed by the petitioner vide his order dated 24.10.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the allegations made are against the co-accused as the



petitioner was not even present at the place of occurrence. He submits that the dispute between the parties have already been resolved by way of compromise and thus, no case for custodial interrogation is made out. He submits that no *prima facie* case is made out against the petitioner and thus, in the facts and circumstances, he deserves to be granted anticipatory bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner is a history-sheeter who is facing prosecution in 08 other cases including the offence under Section 302 IPC. He submits that the petitioner is the mastermind at whose behest the complainant was being threatened. Thus, the custodial interrogation of the petitioner is required for a free and fair investigation. He submits that no case for grant of anticipatory bail to the petitioner, is made out and thus, the present petition deserves to be dismissed.

5. On hearing of the counsel for the parties and perusing the record, it is deciphered It is deciphered that the allegations petitioner complainant is who is carrying out business at the warehouse for loading and unloading the goods has been time and again threatened by the accused at the behest of the petitioner. The petitioner is a history-sheeter and as per the record, he is facing prosecution in 08 other FIRs, which reads as follows:

1. FIR No.201 dated 08.07.2016 under Sections 323, 506, 34 of IPC, registered at City Police Station Rewari.



2. FIR No.63 dated 26.02.2018 under Sections 398, 401 of IPC, Arms Act, registered at Police Station City Rewari.
3. FIR No.435 dated 15.11.2024 under Sections 110, 115, 190, 191(2) of BNS, registered at Police Station City Rewari.
4. FIR No.206 dated 06.07.2017 under Sections 148, 149, 324, 379 & 506 of IPC, registered at City Police Station Rewari.
5. FIR No.316 dated 18.02.2022 under Sections 148, 149, 323 of IPC, registered at Police Station Bhondsi Gurugram.
6. FIR No.238 dated 31.08.2023 under Sections 42 of Prisoners Act, registered at Police Station Bhondsi Gurugram.
7. FIR No.150 dated 08.06.2020 under Sections 148, 149, 302, 120-B of IPC, registered at Police Station Kasola, District Rewari.
8. FIR No.120/2018 under Sections 148, 149, 323, 427, 452, 379-B, 307, 302 of IPC and Sections 25/54/59 of Arms Act, registered at Police Station City Rewari.

Needless to say that the case is under investigation.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may*



apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

7. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of*



the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."



8. The Hon'ble Supreme Court in *State Vs. Anil Sharma*, (1997) 7SCC 187, held as under:-

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

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the case is under investigation and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.



10. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

03.11.2025

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(RAJESH BHARDWAJ)
JUDGE

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