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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-62586-2025
Date of decision: 01.12.2025

SONU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. S.S. Randhawa, Advocate for the petitioner (Through VC).

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail in case FIR No.0024, dated 15.03.2025, under Sections 309(4), 317(2), 238, 317(5) of BNS, registered at Police Station Sekhwan, Gurdaspur, Punjab.

2. I have heard learned counsel for the parties and material on file has been perused.

4. The present case was registered on the basis of statement given to the police by Jobanpreet Singh with the allegations that on 11.03.2025, he alongwith his maternal aunt was returning to village Sanrawa on his motorcycle bearing registration No.PB02-DX-6178. At about 12:00 am, when they reached near Bahadar Sain Adda, three unknown persons intercepted them, who were travelling on a motorcycle. They were armed with datar and a pistol like object and they snatched his mobile phone make OPPO, Rs.1800/-, ear-rings of his aunt and his motorcycle and ran away from the spot. During investigation, one Akash Singh suffered disclosure statement in FIR No.56 dated 22.05.2025, Police Station



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Sekhwan to the effect that offence in question was committed by him alongwith his companions namely Sardar Masih and Rohit Masih and they were nominated as accused in the present case. On 22.05.2025, accused Rohit Masih was arrested and he also suffered disclosure statement to the same effect. On 23.05.2025, accused Akash Singh was arrested and accused Rohit Masih got recovered one mobile phone, which was taken into possession. On 24.05.2025, accused Sardar Masih was arrested and he suffered disclosure statement to the effect that the snatched motorcycle as well as the motorcycle used in committing the crime have been sold to Sonu (petitioner), who is a scrap dealer. Apprehending arrest, petitioner applied for anticipatory bail, which has been rejected by the trial Court.

5. Learned counsel for the petitioner contended that petitioner has been falsely implicated. He has been nominated as an accused in the disclosure statement suffered by co-accused Sardar Masih, which is not admissible in evidence. Learned counsel next contended that petitioner is ready to join the investigation and to abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in favour of the petitioner.

6. On the other hand, learned State counsel has opposed the bail and argued that custodial interrogation of the petitioner is essential to recover the stolen articles and he does not deserve the concession of anticipatory bail.

7. It is well settled that the power to grant anticipatory bail is of extraordinary nature and is to be sparingly used with circumspection as held in 2022 (4) RCR (Criminal) 968 titled as **"Sachin @ Sachin Ahuja Vs. State of Punjab"**. In SLP (Crl.) 7940 2023 titled as **"Shri Kant Upadhyay Vs. State of Bihar"**, Hon'ble Apex Court has held that grant of interim protection or protection from arrest to an



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accused in a serious case may lead to miscarriage of justice and may hamper investigation to a great extent as it may sometimes lead to tampering or destruction of evidence. The court is cognizant of the fact that power of anticipatory bail is to be exercised in exceptional circumstances as it may cause some hindrance to normal flow of investigation which would undermine the case of the prosecution.

8. Petitioner has been nominated as an accused by co-accused Sardar Masih and he has disclosed that the snatched motorcycle as well as the motorcycle used in committing the crime have been sold to the present petitioner. As such, motorcycles in question are yet to be recovered and in these circumstances custodial interrogation of the petitioner is essential and he does not deserve the concession of anticipatory bail. Rather grant of anticipatory bail, at this stage, will amount to hampering the investigation.

9. Taking into consideration the gravity of the offence and the facts noticed hereinabove, I am of the opinion that petitioner does not deserve to be released on bail and the present petition is hereby dismissed.

01.12.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No