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

CRM-M-62829-2025

Decided on: 11.11.2025

Ashish @ Anshu @ Aashish

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Satish Kumar Rana, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.176 dated 31.05.2025, registered under Sections 109(1), 115, 190, 193(3), 324(4), 251(3) of BNS, 2023 (Sections 310(1), 311, 61(1) of BNS, 2023 added lateron) at Police Station Sector-5, Gurgaon, District Gurugram.

2. Succinctly facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Vijay. It was alleged that he was sitting near Chhoti Mata Mandir alongwith Akash, Yuvraj, Kumal, Suraj. All of sudden, one car, make KIA Seltos came from the side of cremation ground. This car was being driven by Ashu (petitioner) and Sagar was sitting on the conductor seat of the car and three unknown young boys were sitting on the rear seat. They all were with muffled faces. 15-16 young persons on 5-6 two wheelers were also following them and they all were armed with wooden sticks and Sagar and few others were carrying country made pistol. Sagar pointed the pistol towards the complainant and thereafter, he fired a shot with intention to kill



him. The bullet hit in his back and left hand. Others also fired at them. They damaged their vehicle and took away the DVR of the CCTV cameras installed in the office. People nearby gathered and on seeing them, the accused escaped from the place of occurrence. Their family members admitted them in Civil Hospital for treatment. Thus, request was made to take legal action against the culprits. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Gurugram, for grant of anticipatory bail. However, learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 05.09.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner is specifically named in the FIR, nor there is any overt act alleged against him. It is submitted that the petitioner has been implicated in the present case in a due deliberated manner as the petitioner already had lodged an FIR No.175 dated 31.05.2025 against the complainant side. Thus, as an act of vendetta, the present FIR has been lodged against the petitioner. He, thus, submits that no *prima facie* case as alleged against the petitioner is not made out and he deserves the concession of anticipatory bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has been specifically named in the FIR and he alongwith other co-accused



assaulted the complainant's side and gun shots were also fired. He, thus, submits that no case for anticipatory bail to the petitioner is made out.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner has been specifically named in the FIR, wherein, he was allegedly driving the car. Co-accused had fired at the complainant and after beating them, not only the DVR of CCTV Camera installed there was damaged, but also all the accused took away the CCTV footage with them. Needless to say that the investigation is at threshold.

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

482“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. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has 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](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders."

8. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. 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 factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an



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extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

11.11.2025

sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No