



CRM-M-63315-2025

1

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

104

CRM-M-63315-2025 (O&M)

Rahul Walia

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 18.11.2025**Date of Uploading : 18.11.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sanjiv Gupta, Senior Advocate with
Mr. Lavish, Advocate for the petitioner.

Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

Mr. Parminder Singh, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. The present petition is the third attempt by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail in case bearing FIR No.0225 dated 23.09.2024, registered for the offences punishable under Sections 61(2), 115(2), 117(2), 140(3), 190, 191(3), 238, 251(2), 303(2), 310(2) and 351(2) of BNS and Section 25 of Arms Act, 1959 at Police Station GRP, Ambala Cantt, District Ambala.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 03.02.2025 and 07.07.2025 respectively and no opinion on merits have been expressed therein. Thereafter, the present petition i.e. the third petition



CRM-M-63315-2025

2

for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 10.11.2025.

2. The gravamen of the FIR in question pertains to an incident which is stated to have occurred on 22.09.2024. The complainant namely Abhishek son of Sant Ram aged 23 years resident of House No.1126 Milap Nagar, Ambala City, District Ambala alleged that he works as a labourer and on 20.09.2024, he alongwith his friends namely Rohit, Nishant and Sourav Kumar was travelling by train to Mata Vaishno Devi for darshan. On 22.09.2024, the complainant alongwith friends purchased railway tickets and boarded a train to Ambala Cantt at around 03:20 PM. On 23.09.2024, at about 12:30 AM, the train reached Ambala Cantt, Railway Station. The complainant and his friends went to the railway parking area to retrieve the motorcycle that they had parked on 20.09.2024. One of the friend of the complainant namely Sourav Kumar went inside with the parking slip while the complainant, Rohit and Nishant waited outside. Suddenly, the complainant heard screaming of Sourav Kumar and noticed that accused Rahul Walia (petitioner herein) armed with a gandasa, accused Sharif @ Sahil Rathore, Mithu @ Vaibhav and Rudar Partap armed with iron rods/pipes. Accused Rudar Partap hit on the right leg of the complainant with a rod causing him to stagger. On seeing the attack, the three friends of the complainant ran away from the spot. Then accused Abnubhav Sood struck the complainant on the head with a heavy object. Accused Rimpi Sardar put a pistol like object in the mouth of the complainant and threatened to shoot him if he raised an alarm. Accused Deepak also assaulted the complainant with an iron rod. Thereafter, all the accused



CRM-M-63315-2025

3

forcibly took the complainant in the vehicle and took him to a room where they removed all the clothes of the complainant and beaten him. It was further alleged that the accused urinated on the face of the complainant, broke his right leg below the knee and caused bleeding from his head. The accused also took the mobile phone, ATM card and purse and forced the complainant to disclose the PIN of the ATM card. Several others accomplices of accused Rahul Walia whose names the complainant did not know also caused injuries to the complainant. Later, accused Rahul Walia (petitioner herein), Anubhav Sood, Mithu @ Vaibhav and Rudar Partap had left the complainant on the stretcher trolley lying in front of the emergency gate of Government hospital, Sector -6, Panchkula at around 04:00 AM. Later the complainant was admitted in the hospital. On these set of allegations, the instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as no specific injury has been attributed to the petitioner. Learned counsel has further iterated that the petitioner was not in possession of any vehicle on the alleged date of occurrence and the allegations contained in the impugned FIR are vague, baseless and devoid of any substantive material. Learned counsel has further submitted that the allegations of causing injuries are directed towards co-accused and the petitioner has been roped in merely by way of general and omnibus allegations. Furthermore, the petitioner was not present in any of the purported video recordings pertaining to the alleged incident. According to learned counsel, the investigating agency despite



falsely implicate the petitioner which is entirely baseless. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process. It has been further submitted that there is no need for custodial interrogation of the petitioner as he is ready to join investigation and has no criminal antecedents. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail. On strength of aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the present petition is not maintainable, as it constitutes a third petition for anticipatory bail, without there being any substantial change in circumstances, thereby failing both on procedural grounds and on merits. Learned State counsel has submitted that the earlier two petitions were dismissed as withdrawn on 03.02.2025 and 07.07.2025 before this Court and neither any prayer was made nor was any liberty granted to the petitioner to file afresh with better particulars. Accordingly, the State counsel has argued that the instant petition deserves dismissal on this score alone. Learned State counsel, while opposing the plea in hand on merits, has submitted that the offence committed by the petitioner is serious in nature. He has submitted that the allegations in the FIR disclose a serious offence of kidnapping, confinement, robbery, assault with deadly weapons and humiliation of the complainant. According to learned State counsel, specific roles have been attributed to the petitioner,



robbery. Furthermore, the vehicle and weapons used in the offence are yet to be recovered and custodial interrogation of the petitioner is necessary. He has further emphasized that releasing the petitioner on bail at this crucial stage may hamper the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

4.1. Learned counsel appearing for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner and has raised submissions in tandem with the State counsel. Learned counsel has pointed out that the complainant is an injured witness whose testimony carries high evidentiary value. According to learned counsel, the petitioner has multiple cases pending against him which exhibits a tendency to influence witnesses. On the basis of these submissions, the dismissal of the instant petition is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment passed by this Court in a titled as ***Bhisham Singh vs. State of Haryana, 2024(3) RCR(Criminal) 65***, relevant whereof reads as under:-

“11. As an epilogue to the above rumination, the following principles emerge:

I Second/successive anticipatory bail petition(s) filed under Section 438 of Cr.P.C., 1973 is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.



II Such second/successive anticipatory bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive anticipatory bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Accordingly, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive anticipatory bail petition(s).

V In case a Court chooses to grant second/successive anticipatory bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.

VI Once a plea for anticipatory bail has been dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or dismissed on merits by the High Court, no second/successive anticipatory bail petition(s) shall be entertained by a Sessions Court.”

7. The present petition is a third petition for grant of anticipatory bail by the petitioner. A second/third anticipatory bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition. It is a settled proposition of law that such a change must be significant and not merely superficial or technical, to warrant reconsideration. This standard ensures that the remedy



CRM-M-63315-2025

7

of successive bail petitions is not misused through repeated filings but is available when new and material factors arise that alter the initial assessment of the case. The first anticipatory bail filed by the petitioner was dismissed as withdrawn on 03.02.2025 and the second petition stands dismissed as withdrawn on 07.07.2025. The instant petition i.e. third petition for grant of anticipatory bail has been filed thereafter on 10.11.2025. No fresh substantial change in circumstance has been brought forward which would indicate that the petitioner is entitled to maintain his third petition for grant of anticipatory bail. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the third anticipatory bail petition. However, since the first and second anticipatory bail petitions were dismissed as withdrawn and there were no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well.

8. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *prima facie* discloses commission of disturbing and brutal incident in which the complainant, an injured witness has given a detailed, consistent and specific account of the role played by each accused including the petitioner. The prosecution version discloses that the complainant was attacked late at night soon after reaching the railway station, assaulted with deadly weapons, threatened at gunpoint, forcibly taken away in a vehicle, wrongfully confined and beaten mercilessly. The complainant was also humiliated by



abandoned outside a government hospital. These allegations, taken together with the grievous injuries reflected in the medical record undeniably disclose the commission of extremely grave and heinous offences for which custodial interrogation of the accused is not only desirable but necessary.

9. The plea raised by the petitioner that no specific role has been assigned to him is belied by the very contents of the FIR wherein he is clearly named among the assailants who participated in the kidnapping, assault and confinement of the complainant. At the stage of consideration of an anticipatory bail petition, the Court is required to determine whether *prima facie* case is made out or not. The statement of the injured witness duly corroborated by medical evidence carries substantial weight and cannot be lightly disregarded particularly when the injuries suffered are grave. It goes without saying that in the instant case, it was specifically alleged in the FIR that the petitioner along with other co-accused was a part of an unlawful assembly and involved in alleged occurrence thereby endangering the life of the complainant. The nature of weapons alleged and the involvement of multiple accused and indicate a degree of planning and aggression.

10. 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. At this stage, there is



the petitioners. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioners, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]*, the Supreme Court held as under : (SCC p. 189, para 6)

“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 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.”

11. In view of the severity of the allegations, the specific role attributed to the petitioner, the corroborative medical evidence and the stage of investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. The nature of the injuries, the manner of the assault and the subsequent conduct of the petitioner and co-accused collectively demonstrate that the present case is not a case where pre-arrest bail can be

granted. The petition is, thus, devoid of merits and is hereby dismissed.



- 12. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- 13. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 18, 2025
Ajay

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