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

CRM-M No.63623 of 2025

Date of Decision: 23.12.2025

Mandeep Nain @ Monu

..... Petitioner

Versus**State of Punjab**

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajesh Nain, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.170, dated 27.07.2025, under Sections 305, 331(5), 324(3), 62, 317(2), 346 of BNS, 2023, registered at Police Station Patran, District Patiala, Punjab.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Sahil Dhawan. It was alleged that the complainant was a Branch Manager of State Bank of India, Branch Patran. On 26.07.2025, at about 04:00 P.M., the complainant along with his staff after shutting down the branch, left for his house. It was alleged that there are total 06 guards posted in their branch and out of which, 01 guard was posted in the night. It was alleged



that at about 07:45 P.M., guard, namely, Kashmir Singh had locked the ATM adjoining the Bank. It was alleged that at about 03:00 A.M., the complainant received a phone call from Patiala Head Office that ATM in your branch was tampered with and thus, he along with the Cash Officer, namely, Tarsem Singh Saini, reached at the branch and met with the guard. Then, they saw that shutter of ATM room was open and both the locks of the shutter were cut down with cutter. It was alleged that upper part of ATM machine was cut with cutter and upper cover of ATM was missing. It was alleged that some unknown persons have attempted to take away the cash and ATM machine was damaged. Thus, the request was made to take legal action against the accused. On the basis of the complaint, the FIR was registered. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner, namely, Mandeep Nain @ Monu was surfaced, and thus, he was arrayed as an accused in the present case. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Patiala praying for the grant of anticipatory bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Patiala declined the bail application filed by the petitioner vide order dated 09.09.2025. 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 has



submitted that neither the petitioner was present at the spot nor any recovery has been effected from him. He has submitted that the complainant has not identified the petitioner on the spot, however he has been identified through CCTV footage and thus, the petitioner has been named in the FIR on the basis of supplementary statement, which is not even an admissible evidence. He has submitted that no *prima facie* case as alleged is made out against the petitioner and thus, he deserves to be granted anticipatory bail.

4. This Court vide order dated 12.11.2025, directed the State to file reply.

5. Reply dated 09.12.2025 by way of an affidavit of Inderpal Chohan, PPS, Deputy Superintendent of Police, Sub Division Patran, District Patiala on behalf of the respondent-State has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

6. Learned counsel for the State has opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner has been *prima facie* established during the investigation. He has submitted that during the investigation, CCTV footage from State Bank of India and the nearby areas was obtained and thoroughly examined. He has submitted that upon examination of the same, the accused persons were clearly visible entering the ATM room and carrying out the offence of attempting to break open the ATM machine. He has submitted that thereafter, the police conducted search



and raids to apprehend the accused persons and on 29.07.2025, co-accused, namely, Anil and Kuldeep were apprehended at the Cremation ground of village Deogarh along with car bearing registration No.PB-31-Z-2745, make I-20. Thereafter from the said car, the police recovered and seized the ATM machine cover, one iron pickaxe with a broken wooden handle, one small red coloured gas cylinder, one large welding cylinder to which cutters are attached and two locks cut with a gas cutter were taken into possession as case property vide recovery memo dated 29.07.2025. He has submitted that during the interrogation conducted by ASI Kala Singh, co-accused, Anil and Kuldeep made a joint disclosure statement and stated that on the intervening night of 26/27.07.2025, they along with the petitioner cut the shutter locks of the ATM of State Bank of India, Branch Patran with a gas cutter and attempted to take money out of the ATM machine by cutting the front cover and upper part of the ATM machine installed inside with a gas cutter, and upon hearing some noise on the road outside, they took the ATM cover and their cutter material and ran away. They parked their car inside the cremation ground of village Deogarh and thereafter, the petitioner left two of them there at the cremation ground with the car by saying that he would return after some time. He has submitted that during the course of investigation, statements of material witnesses have been recorded under Section 180 BNSS, 2023 and all witnesses have corroborated the sequence of events and the involvement of the accused persons in the commission of offence and found that the present case involves a well planned as well as organized



attempt to commit theft from the ATM machine by opening the same with sophisticated tools and equipment. He has submitted that the investigation against the petitioner is still pending as he is absconding and evading arrest despite sustained efforts by the police to apprehend him. He has submitted that the contentions raised by learned counsel for the petitioner that the petitioner has not been identified by the complainant at the spot and no witness has been joined by the police are factually incorrect as the petitioner has been specifically identified from the CCTV footage obtained from the bank premises showing his presence at the scene of occurrence on the intervening night of 26/27.07.2025. He has submitted that the investigation is at the initial stage and keeping in view the facts and circumstances of the case, no ground for the grant of bail to the petitioner is made out and the present petition deserves to be dismissed.

7. The Court has heard learned counsel for the parties and perused the record with their able assistance.

8. It is transpired that complicity of the petitioner has been prima facie established during the investigation. During the investigation, CCTV footage from State Bank of India and the nearby areas was obtained and thoroughly examined and upon examination of the same, the accused persons were clearly visible entering the ATM room and carrying out the offence of attempting to break open the ATM machine. On 29.07.2025, co-accused, namely, Anil and Kuldeep were apprehended at the Cremation ground of village Deogarh along with car bearing



registration No.PB-31-Z-2745, make I-20 and thereafter from the said car, the police recovered and seized the ATM machine cover and other articles used in the offence. Co-accused, Anil and Kuldeep made a joint disclosure statement that on the intervening night of 26/27.07.2025, they along with the petitioner cut the shutter locks of the ATM of State Bank of India, Branch Patran. Statements of material witnesses have already been recorded under Section 180 BNSS, 2023 and all witnesses have corroborated the sequence of events and the involvement of the accused persons in the commission of offence and found that the present case involves a well planned and organized attempt to commit theft from the ATM machine by open the same with sophisticated tools and equipment. The investigation against the petitioner is still pending. The petitioner has been specifically identified from the CCTV footage obtained from the bank premises showing his presence at the scene of occurrence on the intervening night of 26/27.07.2025.

9. 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."*

10. 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."

11. 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.*”

12. 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 found. Needless to say, the investigation is at threshold 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.

13. 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.

23.12.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(RAJESH BHARDWAJ)

JUDGE