



CRM-M-65328-2025

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

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CRM-M-65328-2025

Shabir

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 19.11.2025**Date of Uploading : 19.11.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Pinki Mehla, Advocate for the petitioner.

Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.71 dated 22.04.2024, registered for the offences punishable under Section 379 of IPC and Section 136 of the Electricity Act at Police Station Dhand, District kaithal.

2. The gravamen of the FIR in question pertains to theft of electricity. A written complaint dated 25.11.2024 was received from Sub-Divisional Office, UHBVN, Pundri, regarding theft of one transformer of 20KVA AP Category of villae Kakout by unknown thieves on 08.11.2024. On this basis, FIR No.203 dated 25.11.2024 under Section 136 of the Electricity Act was registered. Initial investigation was conducted, a rough site was prepared and witnesses were examined. An untraced report was



Jasmer Singh who received secret information leading to the arrest of Jaginder and Aman from whose white Alto car stolen copper wire was recovered. The copper wire and vehicle were seized and the case property was deposited at Police Station Titram. During interrogation, the co-accused named the present petitioner and recoveries of stolen copper wire were effected from multiple co-accused. A sum of ₹5,000/- alleged to be proceeds of crime was recovered from the rented premises of the petitioner.

3. Learned counsel for the petitioner has iterated that the petitioner is not named in the FIR and has been falsely implicated merely on the basis of disclosure statements, which have no evidentiary value. Learned counsel has further iterated that no recovery of stolen material has been attributed to the petitioner except ₹5,000/- which, by itself, does not implicate the petitioner. Furthermore, the FIR has been lodged after an unexplained delay of 17 days. Learned counsel asserts that the present FIR is nothing but a concocted story to falsely implicate the petitioner. It has been further submitted that petitioner is ready to join investigation and 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 (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that the petitioner is repeatedly involved in a series of identical offences involving organised theft of transformer material causing heavy loss to the State exchequer. The recoveries made



from co-accused and the recovery of ₹5,000/- from the accommodation of the petitioner link him with the proceeds of crime. Furthermore, the disclosure statements have led to multiple recoveries from various accused and reveal that the petitioner is part of a larger theft racket. The investigation is still underway and the custodial interrogation of the petitioner may be required. There exists a genuine apprehension that the petitioner may influence witnesses or tamper with the prosecution evidence. Hence, no ground is made out for the grant of anticipatory bail.

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 of the Hon’ble Supreme Court titled as **Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another** passed in **SLP(Crl) No.1125-2022**, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]** , it was held as under : (SCC p. 313, para 19)

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail



regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

*76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*

*77. After referring to **Siddharam Satlingappa Mhetre** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar** [**Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468**], the Supreme Court held as under : (SCC p. 386, para 19)*

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that



the applicant has falsely been enroped in the crime and would not misuse his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 :(2007) 2 SCC (Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1] .)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. It is a matter of record that although the petitioner is not named in the FIR, his name surfaced during the course of investigation through disclosure of co-accused which in turn led to recoveries from the several locations. The recovery of



part of the proceeds of the crime. At the stage of consideration of plea for anticipatory bail such recoveries cannot be ignored particularly when it corroborate the larger chain of events revealed during investigation. Furthermore, it is borne out from the record that the petitioner is involved in several other FIRs of similar nature. The arrest of the petitioner on multiple production warrants and the fact that the offences are directed against public property demonstrate a pattern of repeated criminal conduct. In the considered opinion of this Court, the concession of bail in the earlier FIRs does not diminish the gravity of the allegations made in the instant case.

8. The plea of the petitioner that he has been falsely implicated in the present case only on the basis of disclosure statement(s) is bereft of any merit as in the present case, the statement(s) are supported by actual recoveries and a wider nexus of accused persons indicate that the petitioner is part of an organized theft racket. At this stage of investigation, such material is relevant and sufficient to conclude that the custodial interrogation may still be necessary. The allegations against the petitioner are serious in nature, involving theft of electricity. The grant of anticipatory bail in such matters would seriously prejudice investigation and may embolden others to indulge in similar illegalities. *Prima facie* the material placed on record reveals that the petitioner was involved in organised theft of transformer material causing heavy loss to the State exchequer. Moreover, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a serious offence.



9. 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 no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In **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 information 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.”



10. Accordingly, 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.

11. In view of the prevenient ratiocination, it is directed as under:

- (i) The petition in hand is dismissed being devoid of merits.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 19, 2025
Ajay

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