

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:165952



102

CRM-M-66625-2025 (O&M)

Date of decision:28.11.2025

Gulshan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Dinesh Nagar, Advocate the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

...

MANISHA BATRA, J. (Oral)

Instant petition has been filed under Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.114, dated 27.10.2025, registered under Section 305 of the BNS, at Police Station SBS Nagar.

2. The aforementioned FIR was registered on the basis of written complaint submitted by the complainant – Subhash Chandra Arora alleging that copper wire of A.C. as kept in his under construction hospital, had been stolen by some unknown person for the fourth time as on 27.10.2025. A case under Section 305 of the BNS was registered. Investigation proceedings had been initiated. During the course of investigation, accused Mahipal @ Billa was arrested. He suffered disclosure statement to the effect that he had sold the stolen wire to the petitioner, who is a scrap dealer. Apprehending his arrest, petitioner moved an application for grant of pre-arrest bail, which

has been dismissed by the Court of learned Additional Sessions Judge, SBS Nagar vide order dated 17.11.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by her that for conducting thorough and proper investigation in the matter and for effecting recovery of the stolen property, custodial interrogation of the petitioner is required. She has further submitted that no exceptional or extraordinary circumstance warranting exercise of power for grant of bail is made out. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has heard rival submissions made by learned counsel for the parties at a considerable length.

7. The petitioner is alleged to have received the stolen property from the co-accused. The allegations against him are serious in nature. The case is at its nascent stage. For conducting thorough and proper investigation in the matter and for effecting recovery of the stolen property, custodial interrogation of the petitioner is must. Even otherwise, the petitioner has failed to make out any case for showing that there is any exceptional or extraordinary circumstance making out a case for grant of pre-arrest bail in his

favour. It is well settled that anticipatory bail to an accused can be granted in exceptional circumstances only as a person couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge. In case custodial interrogation of the petitioner is denied to the Investigating Agency, that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation.

8. In view of the above discussed facts and circumstances, this Court is not inclined to grant concession of pre-arrest bail to the petitioner.

9. Accordingly, the petition is dismissed.

10. It is, however, clarified that nothing stated above shall have any bearing on merits of the case.

11. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

28.11.2025

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No