



CRM-M-68781-2025 (O&M) -1-

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

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**CRM-M-68781-2025
Decided on: 08.12.2025**

PARVEEN DUTTA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Inderjeet Singh, Advocate
for the petitioner.

Mr. Karan Veer Singh, Sr. DAG, Haryana.

Mr. Rahil Mahajan, Advocate for the complainant.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 482 of BNSS, 2023 seeking grant of anticipatory bail in case bearing FIR No.249 dated 03.11.2025, under Sections 3(5), 324(5), 326(g), 351(2) of BNS registered at Police Station Radaur, District Yamuna Nagar.

2. Brief facts of the present case are that the complainant namely Saddam Hussain used to make bunch of stubbles (*parali*). On 01.09.2025, the complainant brought his machines at Village Ghillor. However, for quick disposal of his job, he took land on lease from panchayat and also obtained a receipt from the Sarpanch. When the complainant started collecting stock, Parveen Dutta (the present petitioner) demanded Rs.30,000/- from him for collecting stubble there



on the ground of being owner of the said land. When the complainant refused to give the demanded money, the petitioner threatened him either to give money to him or he will not allow him (complainant) to pick up the stock of stubble and will put the same on fire. In order to look after the stock, the complainant had made a hut at the spot and one person was deputed to reside there during night. Later on, on 01.11.2025, the complainant had gone to village to take labour, where he met one Ramesh and a scuffle/altercation took place between them as the said Ramesh asked for Rs.30,000/- from the complainant to get the matter patched up with the petitioner and the complainant refused to give the demanded money. He threatened the complainant that their stubble would be burnt. On 02.11.2025, the petitioner abused the complainant and threatened to kill him and also threatened that complainant will not see the stock of stubble in the next morning. During night he put the stock of stubble on fire and in order to save himself from suspicion, he made a call to Fire Brigade at about 1:00 AM. Due to that fire, whole stock of stubble, hut alongwith articles lying in the hut, were burnt as Firoj, who was stationed during night by the complainant to look after the stock of stubble, had gone to attend some marriage. Complainant was informed about the incident of fire the same night at about 3:00 AM. It is alleged that the petitioner along with Ramesh burnt the bundles of stubble.

3. Learned counsel for the petitioner contended that the petitioner has filed two Public Interest Litigations (PILs) raising the issue of stubble burning due to which FIRs were lodged against many co-



villagers. Begrudged by the same, the present petitioner has been implicated in the present FIR by the complainant alongwith other villagers; the petitioner had 60% share in the bundles of stubble which were lying on his private passage leading to his fields and the allegations against him are false and fabricated as how he would be benefitted by burning his own bundles of stubble. It is not the case of the complainant that he had seen petitioner and Ramesh burning bundles of stubble. Hence, he prayed for concession of anticipatory bail.

4. Mr. Rahil Mahajan, Advocate has put in appearance on behalf of complainant by way of filing of Power of Attorney and opposed the grant of anticipatory bail to the petitioner.

5. Mr. Karan Veer Singh, Sr. DAG, Haryana appeared on behalf of respondent-State and vehemently opposed the grant of anticipatory bail to the petitioner while submitting that the present petitioner is a habitual offender and is involved in 09 more FIRs. Recently, vide FIR dated 03.12.2025, he has been involved in an offence under Protection of Children from Sexual Offences Act, 2012.

6. Heard.

7. Keeping in view the facts of the present case, the allegations against the present petitioner are serious in nature; although the petitioner called the Fire Brigade to extinguish the fire of the stubble but when the said fire Brigade team reached there and called him, the present petitioner was not available at the spot; the petitioner is not having clean antecedents as he is involved in 09 more cases; he is required for



custodial interrogation to reveal the true facts of the case and to collect evidence for success of prosecution case. In case titled as '**CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806**' decided on 03.08.1997, it has been held as under:-

"....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 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 would not conduct themselves as offenders."

8. In **Pratibha Manchanda & Anr. versus State of Haryana & Anr. [2023(3) RCR(Criminal) 511]**, while dealing with a petition for cancellation of anticipatory bail granted by the high court, Hon'ble Supreme Court observed that while granting anticipatory bail courts should consider factors such as the nature and gravity of the offences. The relevant extract of the Pratibha's case is reproduced as under:

"17. In Siddharam Satlingappa Mhetre v. State of Maharashtra (2011) 1 SCC 694, this Court carefully



*considered the principles established by the Constitution Bench in **Gurbaksh Singh Sibbia v. State of Punjab (1980) 2 SCC 565** case. After a thorough deliberation, this court arrived at the following conclusion:*

"112. The following factors and parameters can be taken into consideration while dealing with anticipatory bail:

- (i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*
- (ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;*
- (iii) The possibility of the applicant to flee from justice;*
- (iv) The possibility of the accused's likelihood to repeat similar or other offences;*
- (v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*
- (vi) Impact of grant of anticipatory bail, particularly in cases of large magnitude affecting a very large number of people.*

xxx xxx xxx"

*18. In **Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731**, the Constitution Bench of Supreme Court of India, reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.*



19. The relief of Anticipatory Bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests in the facts and circumstances of each individual case becomes crucial to ensure a just outcome.”

7. As such, taking into consideration the allegations against the present petitioner, he is not entitled for discretionary relief as prayed for and the present petition is hereby dismissed.

(SUBHAS MEHLA)
JUDGE

08.12.2025

Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO