



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

CRM-M-69777-2025
Date of Decision : 11.12.2025

SHUBHAM KAUSHIK

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Anupal Singh Panwar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioner, an accused in case bearing FIR No.576 dated 17.11.2025, registered against him at Police Station Bhiwani City, District Bhiwani, for the commission of offences punishable u/s 351(2), 331(6), 3(5), 115 of BNS.

2. Relevant facts as can be inferred from the documents on record are noticed hereinbelow:-

Jatin, son of Bhanu Parkash, resident of Swami Kripa Ram Ki Gali, Bhiwani, running a sweet shop in Halu Bazaar Chowk for the last three months, set the criminal law in motion by filing a complaint pointing therein that at about 08.30 PM on 16.11.2025, he was visiting a nearby cart on which sweet corns were being sold, where he noticed that two boys were already



standing near the said cart. One out of these boys demanded money for opening the sweet shop and further threatened that without giving money, the shop would not be allowed to run. When he refused to abide by their dictates, the boys introduced themselves as members of famous Piyush Bachii Gang. They further announced that nobody can work here without paying money and started abusing him. One of them had a knife in his possession. However, to save himself (C), he rushed to the shop of his neighbor – Rattan Lal. Little while later, he (C) noticed that aforesaid 02 boys called their other accomplices. He (C) noticed Piyush Bachii, Shubham (present petitioner) and Rohit @ Shooter along with boys, who all barged inside the shop and mercilessly assaulted him. As a result of the attack unleashed by them, he fractured both his hands apart from suffering injuries on various parts of his body. The other shopkeepers rushed to rescue him. The assailants though ran away, but not before issuing a threat to kill him in case their demands are not met. Arrangements were made and he was rushed to the hospital. Towards the end, complainant also disclosed the identification details of assailants as Shubham (P), son of Ram Vilas, r/o Suglan Gali, Bhiwani and Rohit @ Shooter, son of Manoj, r/o Chandu Bhartiyaan Gali, Bhiwani. Complainant also pointed out that shopkeepers of nearby area are terrified by this incident and thus, requested the police officials to catch hold of the assailants, as also to initiate appropriate criminal proceedings against them.

On the basis of the said complaint, a formal case vide FIR No.576 dated 17.11.2025, u/s 351(2), 331(6), 3(5), 115 of BNS, was registered against the petitioner.

3. Apprehending his arrest, present petitioner had moved an



application for grant of pre-arrest bail. The same was dismissed by the learned Additional Sessions Judge, Bhiwani, in terms of order dated 06.12.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner, a young boy, has been falsely implicated in the present case. No specific injury has been attributed to him. Even if the allegations levelled in the complaint are taken to be true at its face-value, petitioner accompanied by Rohit @ Shooter had only entered the sweet shop. It was not specifically mentioned as to whether petitioner was armed. Thus, the custodial interrogation of the petitioner is not needed, for nothing is to be recovered from him, nonetheless, he (P) is ready and willing to join the investigation as and when called for by the Investigating Officer.

5. *Per contra*, learned State counsel has opposed the prayer for grant of anticipatory bail on the ground that petitioner was specifically named in the complaint, as one of three persons, who had threatened complainant to pay the ransom money if he wants to smoothly run the sweet shop in the locality, as also that petitioner along with his other accomplices barged inside the sweet shop and unleashed an attack on him (C) with Lathis and dandas, as a result of which, he (C) fractured his hand. It is further the submission of learned counsel that even though the learned Additional Sessions Judge, Bhiwani, vide order dated 01.12.2025 had granted the concession of interim anticipatory bail to the petitioner, subject to him joining the investigation and cooperating in the same but showing least respect for Court orders and law of the land, did not cooperate in the investigation and did not get the recovery of the weapon effected. Consequently, the interim bail was not confirmed.



It has thus been prayed that presence of the petitioner is needed for custodial interrogation to throw light on the intricacies of the case, as in who all are involved in extending threats to the shop keepers of the area, the *modus operandi* adopted by them, under whose patronage they are indulging in these illegal activities, to effect the recovery of the weapon etc. With these submissions, he prays for dismissal of the present petition.

6. I have heard learned counsel for the parties and perused the documents available on record.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

“67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted



as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

Hon’ble the Supreme Court while deciding the case titled as **“Ms. X Vs. The State of Maharashtra and another”, (2023 SCC Online SC 279)**

held as under:-

“11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

*12. In **Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point.

It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.”*

In “*Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another*” (2025 AIR SC 3375), the Hon’ble Supreme Court held that “*Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.*”

Factual aspects leading to the lodging of the FIR have already been noticed in para 2 of this order. In view of submissions raised by learned State counsel, the Court is of the opinion that petitioner has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

11.12.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No