



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

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CRM-M-70035-2025

Date of decision: 11.12.2025

Himanshu Sharma alias Kuku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Devender Arya, Advocate and
Mr. S.S. Antal, Advocate
for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case bearing FIR No.507 dated 27.10.2025 registered against him at Police Station Palam Vihar, District Gurugram, for the commission of offences punishable u/s 109(1), 115, 287, 3(5), 351(2) of BNS and Sections 25/54/59 of Arms Act, has prayed for grant of pre-arrest bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Ankit Dhankar, son of Ravinder Singh, permanent resident of Rohtak and currently staying in Satguru Enclave, opposite Maruti Gate No.1, Gurgaon, set the criminal law of motion by filing a complaint pointing therein that in the early hours of 27.10.2025 (between 02:45 A.M. and 03:15 A.M.) he along with his 2 friends namely Vikas Chhoker and Ritesh Kumar had gone to a tea stall situated in front of Condore Office building Sector-21, where they noticed 2 cars parked nearby (Toyota Innova and Mahindra Thar). He also noticed 3 persons in front



of the shop, who were shouting and abusing each other in vulgar language. He (C) intervened and requested them to exercise restraint and not to use foul words in public place, but it appears his request was not taken kindly, when suddenly 2 out of 3 persons hit him with a traffic cone, whereas the third guy took out a pistol from his trouser and fired 2 shots; one in the air and another one passed by his (C) leg. While brandishing the pistol again at him, the third guy announced that he is well-known gangster of the area. Extremely terrified, he (C) extended repeated apologies and requested the miscreants/hooligans to pardon him. He and his friends sat in their car and sped away, but were managed to click the photograph of Innova Car. Emergency helpline was called. Police officials reached the site and secured the scene. Injured was rushed to Govt. Hospital, Sector-10, Gurugram, where first aid was provided and the medico legal report was prepared. Police authorities at the site also found 2 empty fired cartridges cases upon which "KF 7.65" was engraved, which were taken into possession, sealed in separate containers. Recovery proceedings were videographed.

On the basis of the complaint lodged by complainant and his medico legal report, a formal case vide FIR No.507 dated 27.10.2025 u/s 109(1), 115, 287, 3(5), 351(2) of BNS and Sections 25/54/59 of Arms Act was registered.

As per case of prosecution, co-accused Manish @ Goga, son of Sudesh Kumar, who had fired 2 shots from his pistol, was the first to be arrested on 21.11.2025. During interrogation, he disclosed the identification details of the person who had supplied the ammunition to him as Satender Kumar, son of Jagdish, resident of District Mainpuri, Uttar Pradesh. It also came to the notice of the police authorities that aforesaid Satender Kumar



had the licence to keep arms etc. in U.P. Name of petitioner cropped up in disclosure statement of Manish.

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Gurugram, which was dismissed vide order dated 08.12.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner, a student pursuing his LLB Degree and Youth District General Secretary of a reputed political party, has been falsely implicated in the present case, only on account of political rivalry. His name did not figure in the FIR. It was only on the basis of disclosure statement of co-accused Manish @ Goga that he (P) came to be arrayed as an accused. Learned counsel further submits that said disclosure statements, in the absence of recovery of any other incriminating material, is not admissible in evidence. Continuing further, learned counsel submits that petitioner was not present at the spot at the time the alleged incident occurred, therefore, the question of him participating in the said incident does not arise. It is further the submission of learned counsel that while mentioning the sequence of events in the complaint, complainant had specifically pointed out that 3 unknown persons were shouting and abusing at each other in front of a tea stall as also that there were 2 vehicles parked nearby; Mahindra Thar and Toyota Innova, the number of which he could not be noted down. One of the vehicle has already been recovered from the possession of co-accused Manish. Instead of finding out the registered owner of Toyota Innova, police is unnecessarily harassing him. Continuing further, learned counsel contends that even if the

allegations of complainant are taken to be true at its face value, though not



admitted, the only role attributed to petitioner is that he had given fist and slap blows to complainant. These injuries have been declared 'simple' in nature. Thus, the crux of submission raised by learned counsel for the petitioner is that in the light of the role assigned to the petitioner, his presence is not needed for custodial interrogation as nothing is to be recovered from him. The accused who had fired shots has already been arrested, pistol has also been recovered. Nonetheless, petitioner being a law abiding citizen is willing to join the investigation as and when called for by the IO. Primarily on these grounds, it was prayed that concession of pre-arrest bail be granted to the petitioner.

5. *Per contra*, while opposing the request for grant of anticipatory bail, learned State counsel contends that though not named in the FIR but petitioner played an active role in the incident, inasmuch as he was present at the spot and he entered into verbal altercation with the complainant that occurred prior to co-accused Manish, firing the gun shots. Continuing further, learned State counsel contends that the very fact that 2 empty cartridge shells were recovered at the site, endorses the stand of complainant that merely on his request not to use foul, abusive words in public, petitioner and his other accomplice lost their cool and unleashed an attack. Learned State counsel next submits that in the factual scenario of the case in hand, petitioner has not been able to make out a case for grant of this extraordinary relief of pre-arrest bail. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner and learned State



counsel, it would be appropriate to refer to certain relevant 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."

8. Factual aspects leading to the lodging of the FIR have already been noted in para 2 of the order. In view of submission advanced by learned State counsel, petitioner who was not merely an onlooker rather had entered into verbal altercation with complainant, lost his cool on a petty trivial issue, on being asked to exercise restraint, while using foul language, this Court is of the opinion that the petitioner has, thus, 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.

9. The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

11.12.2025
Hemant

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