



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

149

CRM-M-70102-2025 (O&M)

Date of decision: 11.12.2025

Sunil Kumar @ Cheenu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Ms. Shivani Jaglan, Advocate for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case bearing FIR No.106 dated 25.06.2025 registered against him at Police Station Bahu Akbarpur, District Rohtak, for the commission of offences punishable u/s 132, 221, 109(1), 324(3), 61(2), 3(5), 238 of BNS and Sections 25(1-B)(a), 29 of Arms Act, has prayed for grant of pre-arrest bail.

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

On 25.06.2025, SI Sohan Lal along with other police officials was present on routine patrolling duty near outer by pass of village Mokhra Khas, in official vehicle No.HR-12-GV-4965, when they noticed 2 vehicles standing in front of house of Rohit @ Raja, son of Balwan. Police officials also saw 4 young boys coming out from the house, 2 of whom sat in Bolero and remaining 2 sat in Breeza vehicle. On seeing the police party, the young boys switched on the ignition and started speeding away. On account of suspicion having arisen, they were signaled to stop. But the driver of the Bolero vehicle tried to run over the vehicle of the police team. On account of sharp



reflexes of the police officials, they immediately jumped out from their vehicle and thus saved their lives. Police team was able to apprehend two boys, who introduced themselves as Rohit @ Raja and Vicky @ Golu. It is further the case of police team that 10 live catridges were recovered from the left trouser pocket of Rohit and one loaded pistol was recovered from Vicky. Both, pistol and catridges were taken into possession vide separate memos. Accused were arrested. On their disclosure statements, Sohit @ Rancho and Deepak @ Guru were arrested on 03.07.2025 and 05.07.2025, respectively. In pursuance of disclosure statement of co-accused Deepak, Scorpio vehicle bearing No.HR-12-AQ-3740 was recovered.

Insofar as the present petitioner is concerned, the role attributed to him is that he had supplied pistol and catridges to the other accused.

3. Apprehending his arrest, petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Rohtak, which was dismissed vide order dated 13.11.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner, whose name does not figure in the FIR, has been falsely implicated in the present case only on the basis of disclosure statements said to have been made by co-accused Rohit @ Raja and Vicky from whom the recovery of pistols and catridges was allegedly effected on 25.06.2025, the 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 who was not present at the site was not involved in any assault neither is there any cogent evidence to conclude that being member of unlawful assembly, Petitioner has facilitated the escape of the



other accused. Moreover, even if the version of prosecution is taken to be true at its face value, the only role attributed is that he (P) allegedly supplied weapons to the other accused, thus attracting provisions of Arms Act. No other overt act is attributed to him, thus presence of petitioner is not needed for custodial interrogation, for nothing is to be recovered from him. Nonetheless, he 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 submits that though the name of the petitioner cropped up in the disclosure statements of co-accused Rohit @ Raja and Vicky but both of them were consistent in their stand that the arms and ammunition in their possession had been supplied to them by the petitioner. It has already been noticed that one pistol and 7 cartridges were recovered from co-accused Vicky and 10 cartridges were recovered from co-accused Rohit @ Raja, both of whom were caught red handed at the site. Learned State counsels submits that the presence of the petitioner is needed for custodial interrogation to find out as to from where he had arranged the arms and ammunition, whether he has any cross-country connection, who all are his customers etc. It has also been pointed out that even the past antecedents of the petitioner are far from satisfactory, for as many as 5 criminal cases of like nature are registered against him. It has been prayed that relief of anticipatory bail is an extraordinary remedy and in the light of the facts that have been brought on record, petitioner has not been able to make out a case for grant 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 the role assigned to the petitioner, who is alleged to have supplied arms and ammunition to the other accused involved in the incident and against whom several cases of like



nature are registered, this Court is of the opinion that the custodial interrogation of petitioner is needed to find out the source from where he arranges/receives arms/ammunition, who all have been his customers, whether he has any cross-country connections etc. thus, he 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.

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

10. Pending application, if any also stands disposed of.

(AARADHNA SAWHNEY)
JUDGE

11.12.2025

Hemant

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