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

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Date of Decision: 12.12.2025

Vikram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rajesh Nain, Advocate
for the petitioner.

Mr. Gagandeep Singh Chinna, Sr. DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.87 dated 12.02.2024 registered under Sections 379 and 411 of the IPC, at Police Station City Tohana, District Fatehabad.

2. Brief facts as per the prosecution case are that some unknown person had stolen the motor-cycle of the complainant. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and initially the FIR was registered against unknown person. He argued that neither the petitioner was named in the FIR nor has any concern with the alleged crime. It has also been contended that during investigation, co-accused Satpal @ Gagan

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@ Gagu was arrested and the petitioner has been nominated as an accused only on the basis of the disclosure statement made by the said co-accused. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation has no evidentiary value. He further submits that recovery of stolen motor-cycle has already been effected from co-accused Satpal @ Gagan @ Gagu. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Fatehabad, vide order dated 02.12.2025.

5. Notice of motion.

6. Learned State counsel, who has appeared on advance notice of the petition, has opposed the prayer for grant of anticipatory bail on the ground that the allegations leveled against the petitioner are serious in nature. He argued that the petitioner has played an active role in the crime. He further argued that co-accused Satpal @ Gagan @ Gagu in his disclosure statement stated that the present petitioner had sold the said motor-cycle to him for a sum of Rs.3,000/-. He further submits that the custodial interrogation of the petitioner is required for fair and proper investigation in

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the matter. Hence, she prays for dismissal of the petition.

7. Heard.

8. In the present case, there are specific allegations against the petitioner that he had committed theft of motor-cycle and sold it to co-accused for a sum of Rs.3,000/-. He is specifically nominated as an accused in the disclosure statement made by the said co-accused Satpal @ Gagan @ Gagu, thus, his custodial interrogation is required to uncover the modus operandi and to recover the sale proceeds. While considering a plea for anticipatory bail, this Court is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '*State Vs. Anil Sharma*', (1997) 7 SCC 187, wherein it has been held as under:



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"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a 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 offences would not conduct themselves as offenders."

10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby dismissed.

11. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

12.12.2025
D.Bansal

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