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

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CRM-M-71850-2025 (O&M)

Date of decision: 19.12.2025

Jahul**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Davneet Sangwan, Advocate
for the petitioner.

Mr. Apoorv Garg, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 43 dated 17.03.2021, registered under Sections 406, 420, 120-B and 201 of IPC at Police Station Radaur.

2. The aforementioned FIR was registered on the basis of a complaint lodged by complainant Usha Kumari, in whose saving bank account opened with Yes Bank, an amount of Rs.12,41,921/- was lying deposited but was withdrawn by some unknown persons during the period from 23.09.2020 to 05.11.2020 by making her fake ID. Investigation proceedings were initiated. Accused Mohammad Warish was arrested. During the course of investigation, he suffered disclosure statement admitting his involvement in the crime and further disclosed that out of the amount so withdrawn from the account of the complainant, he had given a sum of Rs. 2,00,000/- to the present petitioner, who is his maternal uncle. On the basis of the same, the petitioner was nominated as an additional accused. Apprehending his arrest, the petitioner

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had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Yamuna Nagar but the same had been dismissed, vide order dated 03.07.2023.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. No specific act in commission of the alleged offences is attributed to him. He has been implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that there are serious and specific allegations against the petitioner. He is one of the beneficiaries of the transaction. For thorough and proper investigation in the matter as well as for effecting recovery of the amount received by him, the custodial interrogation of the petitioner is required. It is, thus, argued that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner is alleged to be one of the conspirators in the conspiracy hatched by co-accused Mohammad Warish, in pursuance of which, the aforementioned amount of money, belonging to the complainant and lying in her bank account, was withdrawn by the co-accused by preparing her fake

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ID. The petitioner is alleged to be the beneficiary of the transaction to the extent of Rs.2,00,000/-. The allegations against him are quite serious. No sparing or extraordinary circumstance has been made out in his favour for grant of pre-arrest bail. Rather, his custodial interrogation is required for conducting proper investigation in the matter and also for effecting recovery of the aforementioned amount. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, this Court is of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out. Accordingly, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

19.12.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No