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

CRM-M-4804-2026

Azad

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: April 02, 2026**Date of Uploading: April 02, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Gopal Sharma, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of BharatiyaNagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No. 184 dated 08.12.2025 registered at Police Station Bichhor, District Nuh under Sections 190, 191(3), 121(1), 132, 221, 109(1), 262, 263(a) of the Bharatiya Nyaya Sanhita, 2023 and Section 3 of the Prevention of Damage to Public Property Act, 1984.

2. The gravamen of the present FIR reflects that on 08.12.2025, SI Subhash, while present at the police station, received information regarding an incident that had occurred during a raid conducted by the police party in village Aminabad Fuseta. Acting upon the inputs received through the cybercrime monitoring system, including the Pratibimb portal operated with the assistance of the Indian Cyber Crime Coordination Centre (I4C), the

police officials had traced a suspicious mobile number allegedly involved in multiple cybercrime complaints and reached the said village to apprehend the suspect. In the FIR it was further reported that upon reaching the location, the police party succeeded in apprehending one accused, namely Najim son of Sajji. However, immediately thereafter, the said person raised an alarm, upon which a large number of villagers, approximately 60–70 persons including men and women, gathered at the spot. The said persons, armed with *lathis*, *dandas*, stones and bricks, allegedly formed an unlawful assembly and, in furtherance of their common object, attacked the police party with the intention to prevent them from discharging their official duties and to secure the release of the apprehended accused. The FIR further records that the members of the mob caused damage to the official vehicles of the police and inflicted injuries upon several police officials during the course of the assault and, the accused persons succeeded in forcibly rescuing Najim from police custody. It was also noted that, in order to protect themselves, one of the police officials fired shots in the air, following which the assailants fled from the spot. The injured police personnel were thereafter shifted to the hospital for medical treatment. It is further mentioned in the FIR that the entire occurrence was videographed by the police officials, and on the basis of the said footage, along with identification carried out with the assistance of a secret informer, several persons including the present petitioner were named as accused in the FIR in question, along with other known and unknown individuals.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has

further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has contended that the petitioner is aged 59 years and has been falsely implicated due to village rivalry and enmity. It is further argued that no specific role or overt act has been attributed to the petitioner and that he was merely a spectator of the alleged occurrence. It is further submitted that petitioner has been implicated solely on the basis of the disclosure statement.

3.1. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has asserted that nothing is to be recovered from the petitioner. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and, hence, no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel while raising arguments in tandem with the status report dated 23.02.2026 has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioners is serious in nature involving an attack on police personnel, damage to public property and obstruction of lawful custody. Relevant part of the said status report reads thus:

“8. That it is also worthwhile to mention here that accused/petitioner Azad has played vital role in the present case. He was actively involved in the commission of crime. He has also created hurdles in government work, assaulted police officials/officers with the intention of killing them, vandalized government vehicles, and forcibly got freed the accused Nazim

from police possession. Hence, it is also crystal clear that the accused/petitioner Azad was involved in the commission of crime in the case.

9. That is also pertinent to mention here that as per the criminal record of police station, Bichhor, District-Nuh, accused/petitioner Azad was found involved in two more criminal cases mentioned here in below:-

1. FIR No. 59 dated 04.01.2018 under Sections 148, 149, 323, 324, 427, 452, 506 of the IPC, registered at Police Station Bichhor, District Nuh.

2. FIR No. 25 dated 10.02.2020 under Sections 148, 149, 323, 324, 341, 285, 506 of the IPC and Sections 25, 54, 59 of the Arms Act, registered at Police Station Bichhor, District Nuh.”

It is, accordingly, argued that the petitioner is specifically named in the FIR and is part of the unlawful assembly which assaulted the police officials and facilitated the escape of an accused from custody. It is further contended that several police officials sustained injuries in the incident and that custodial interrogation of the petitioner is necessary for effective investigation, particularly to ascertain the role of each accused and recover incriminating material. The petitioner is a habitual offender and is involved in two more criminal cases. Given the severity of the offence, there exists a substantial likelihood that the petitioners may abscond or tamper with the evidence, if he enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioners is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, grave and serious allegations have been levelled against the petitioner of

involving in attack on police personnel, damage to public property and obstruction of lawful custody. The petitioner is specifically named in the FIR and the role attributed to him cannot be considered improbable. Moreover, considering the nature of the allegations and the ongoing investigation, custodial interrogation of the petitioner appears necessary for a fair and effective investigation. Further, as per the status report filed by the State, the petitioner was actively involved in the alleged occurrence and is stated to be a habitual offender.

No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7. 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 interests. 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 is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]***, the Supreme Court held as under : (SCC p. 189, para 6)

“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 informations 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.”

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 02, 2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No