



CRM-M-9700 of 2026

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

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CRM-M-9700 of 2026
Date of Decision: 11.03.2026

Nitesh Kumar Gupta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Hitesh Malik, 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.22 dated 22.01.2026 registered under Sections 105, 125(a) and 125(b) of the Bharatiya Nyaya Sanhita, 2023, at Police Station City Bahadurgarh, District Jhajjar.

2. Brief facts as per the prosecution case are that fire broke out in the factory of the petitioner, because of which, brother and cousin of complainant died as the petitioner negligently locked the door of the factory from outside. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the death of the deceased Attawaris and Amiruddin. He further submitted that the alleged occurrence took place early morning on 22.01.2026 but the

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FIR in question was registered on the same day around 7 pm i.e. after a delay of 12 hours, casting serious doubt on the prosecution story. He argued that the petitioner is the owner of the company in which the brother and cousin brother of the complainant were working. He further argued that if the contents of the FIR are taken to be true, even then no specific overt act has been attributed to the petitioner except a bald allegation of negligence. He argued that as per the prosecution version, the petitioner used to lock the gate of the factory at night but in fact, the workers voluntarily resided in the factory to save rental expenses and locking arrangement of the gate at night was handled by the employees themselves and therefore, bald and vague allegations have been levelled against the petitioner in order to extract money from him. He further argued that even the petitioner was out of station on the day of occurrence. He argued that the occurrence is purely an unfortunate industrial accident and the petitioner has not done anything intentionally. He argued that even otherwise, the allegations as entailed in the FIR do not satisfy the ingredients of Section 105 of BNS. Moreover, the petitioner has clean antecedents as he is not involved in any other case and nothing is to be recovered from him. 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 Sessions Judge, Jhajjar, vide order dated 06.02.2026.

5. On the other hand, learned State counsel has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner has been

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specifically named in the FIR. He further argued that deceased (Attawaris and Amiruddin) had lost their lives due to sole negligent act of the petitioner. He submitted that delay of 12 hours in lodging the FIR is not fatal as priority was given to save the victims. He further submits that the investigation is at nascent stage and custodial interrogation of the petitioner is required for fair and proper investigation in the matter and for effecting the arrest of other co-accused. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the petitioner is specifically named in the FIR. The deceased (Attawaris and Amiruddin) had lost their lives due to sole negligent act of the petitioner and the allegations against him are specific and serious in nature which prima facie points towards existence of a deeper probe. This Court is sanguine of the fact that while considering plea for grant of 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.

8. 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



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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:

"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."

9. 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.

10. 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

11.03.2026
D.Bansal

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