



105

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

CRM-M-12202-2026

Neeraj Kumar

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 17, 2026**Date of Uploading: March 17, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Sanjeev Kadian, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya Nagarik 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.318 dated 14.07.2022, registered for the offences punishable under Section 406 of IPC (Sections 411, 414, 473 added later on), at Police Station Taraori, District Karnal.

2. The gravamen of the instant FIR reflects that it has been registered on the basis of a complaint moved by the complainant, who is the owner of Dolce Agro (OPC) Pvt. Ltd. The complainant in her complaint has alleged that on 04.07.2022 at about 2:00 P.M., she transported 285 quintals of rice worth approximately ₹26 lakhs from Karnal to Gujarat through Truck No. HR-39D-7470 of Transport Maharishi Markanday Road Lines, Ambala City, which was to be further transported from Kandla to Cochin. However, the said consignment was not delivered at the destination.

Upon this, the complainant tried to contact the driver as well as the owner of the aforesaid vehicle on their respective mobile phones, but no response was received. Thereafter, investigation was carried out and co-accused of the petitioner namely Krishan Kumar has disclosed the name of the petitioner (herein). Upon these set of allegations, the instant FIR came to be registered.

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 on the basis of disclosure statement of the co-accused namely Krishan Kumar. Learned counsel for the petitioner has submitted that the petitioner has no role in the alleged offence as mentioned in the present FIR, and there is no evidence on record establishing any connection between the petitioner and the commission of the offence. Learned counsel pointed out that the petitioner's name has only been mentioned in the disclosure statement of the co-accused, which was recorded during police custody, and such disclosure alone cannot form the basis for custodial interrogation or implicate the petitioner.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. 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 11.03.2026 filed by way of affidavit of Deputy Superintendent of Police, Nilokheri, Karnal, has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Relevant part of the said status report reads thus:

“15. That the role of the present petitioner is as under:-

a) That as per investigation, the complainant has transported 285 Qtl. Rice in 25 Kilo bags each for delivery at Kochin through a Truck No. HR-29D-7470, but it never reached at the said destination.

b) That as per investigation the goods worth is Rs. 26 Lakhs appears to have been stolen and sold by the present petitioner in connivance with co-accused.

c) That as per disclosure statement of co-accused Krishan Kumar wherein he stated that I, my partner Neeraj, son of Satbir Singh, and Neeraj, the driver, together loaded 285 quintals of rice in my truck, number HP-97-3185, by affixing a duplicate number plate of truck number HR-39D-7470. With my consent, my partner Neeraj, son of Satbir Singh, and Neeraj, the driver, sold it to a party in Delhi for half the price of Rs. 13 lakh.”

Learned State counsel has further submitted that as per the status report the petitioner is involved in 5 more cases pertaining to similar offences and thus, the petitioner is a habitual offender. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. On the strength of these submissions, dismissal of the petition in hand 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. It is pertinent to note here that the petitioner was not named in the FIR, at the initial stage, and his name surfaced, subsequently, during the

course of investigation, on the basis of the disclosure statement of co-accused. As per the case put forth in the FIR in question, the allegations against the petitioner are grave and specific. The petitioner has fraudulently in collusion with other accused sold rice of the complainant. As per the status report filed today, the petitioner was the driver of the truck in question, which was allegedly taken by the accused persons. The petitioner is earlier also involved in similar like offences and, therefore, appears to be a habitual offender. Learned counsel has failed to demonstrate the petitioner was not involved in the alleged offence.

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

March 17, 2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No