



CRM-M-14402 of 2026

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

386

CRM-M-14402 of 2026
Date of Decision: 06.04.2026

Kanhaiya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Paras Jagga, Advocate
for the petitioner.

Ms. Shaveta Sanghi, 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.54 dated 22.01.2026 registered under Sections 331(6), 309(6), 238 and 61(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Kundli, District Sonapat.
2. Brief facts of the present case are that the petitioner along with other co-accused, entered into the liquor vend and committed robbery of mobile phone and Rs.30,000/- cash after causing injuries to the salesman- Sahab Singh. Hence, the present FIR.
3. Learned counsel for the petitioner has submtited that the petitioner has been falsely implicated in the present case. He argued that the

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petitioner was neither named in the FIR, nor has any concern with the said incident and initially, the FIR was registered against unknown persons. He further argued that the petitioner was intentionally roped in the present case only on the basis of suspicion without any concrete evidence and the evidentiary value and authenticity of such footage is to be tested during trial. He argued that the entire prosecution case rests primarily upon the CCTV footage allegedly showing the presence of the petitioner near the spot. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Nothing is to be recovered from the petitioner. 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, Sonapat, vide order dated 20.02.2026.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, he has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. She argued that the petitioner was part of the conspiracy and planning of the robbery at the room of co-accused Nitish. She further argued that the on the day of occurrence, the petitioner along with co-accused Atul @ Gopi, Krishna @ Kishan and Heera entered the liquor vend premises by jumping

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over the wall and, he participated in the offence by overpowering and assaulting the salesman and thereafter, along with co-accused, Heera went inside through the back gate and committed theft/robbery of cash Rs.30,000/- and mobile phone. She further argued that in the CCTV footage, the petitioner along with other co-accused can be clearly seen at the spot and as such, his custodial interrogation is required for fair and proper investigation in the matter, to recover the robbed mobile phone and the looted amount and identification and arrest of other co-accused. Hence, she prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations levelled against the petitioner are grave and specific in nature, and the status report indicates his active participation in the commission of the offence. The CCTV footage prima facie reflects the presence and involvement of the petitioner along with the co-accused at the scene of occurrence. Furthermore, the recovery of the robbed mobile phone and looted amount is yet to be effected, and custodial interrogation of the petitioner appears necessary for a fair and effective investigation, including the identification and apprehension of other co-accused persons. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it 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 wider impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of the 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

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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

06.04.2026*D.Bansal*

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