



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

Sr.No.218

**CRM-M-14403-2026
Decided on : 07.04.2026**

Saddam

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Zeeshan Khan, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Senior 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.109 dated 04.04.2023, registered under Sections 420 and 407 IPC, at Police Station Dharuhera, District Rewari.

2. Brief facts, as per the prosecution case, are that the petitioner alongwith co-accused committed theft of goods from the truck bearing registration No.RJ-32GC-3204. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the allegations levelled against the petitioner are false and he has no concern with the said incident. It has also been contended that the

petitioner has been nominated as an accused only on the basis of disclosure

statement made by co-accused Sarafat @ Mukka who has already been granted the concession of regular bail by the learned trial Court vide order dated 23.09.2024. No recovery is to be effected from the petitioner. Learned counsel has submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency. Therefore, it is urged that the instant petition deserves to be allowed.

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 learned Additional Sessions Judge, Rewari vide order dated 11.08.2025.

5. Mr. Gagandeep Singh Chhina, Senior DAG, Haryana has appeared and filed the status report. The same is taken on record. He has vehemently opposed the instant petition by submitting that the offence committed by the petitioner is serious in nature. He further contends that co-accused Sarafat had intimated the petitioner with regard to the entrustment of the vehicle and the petitioner alongwith co-accused reached the place where the material was off loaded and thereafter, the seals were changed. Thus, the petitioner had been found actively participating in the commission of the crime. He further submits that apart from the disclosure statement there are CDRs connecting the petitioner with the co-accused. Therefore, he prays for dismissal of the instant petition

6. Having heard learned counsel for the parties at length and after perusing the record, it is evident that the allegations levelled against the petitioner are serious in nature. He alongwith co-accused committed theft of goods from the truck. Apart from the disclosure statement there are CDRs

between the petitioner and the co-accused connecting him with the co-accused. The investigation so far points towards deeper probe for which custodial interrogation of the petitioner is required. 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 and 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.

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 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 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."

8. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

9. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

07.04.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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