

222

CRM-M-15772-2026

-1-



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

**CRM-M-15772-2026
Date of decision: 07.04.2026**

SANDEEP KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Navraj Singh, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.02 dated 01.01.2025 registered under Section 305 the Bhartiya Nyaya Sanhita (BNS), 2023, registered at Police Station Nissing, District Karnal.

2. Brief facts of the present case are that a theft of two RRU/PRU units of Airtel Company took place from a tower. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He submits that the name of the petitioner is nowhere mentioned in the entire FIR. He submits that there is no eyewitness in the

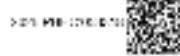
present case who allegedly saw the commission of theft. He submits that



his name has surfaced in the disclosure statement made by co-accused persons and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible in evidence. He submits that nothing is to be recovered from him. Learned counsel further submits 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 petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the status report and he while, relying upon the same, has vehemently opposed the petitioner's prayer for anticipatory bail. It is submitted that the offence committed by the petitioner is serious in nature. He submits that the petitioner is alleged to be the mastermind on whose instructions the co-accused persons committed theft. He submits that the petitioner is a habitual offender and is involved in multiple other cases of theft. He submits that the petitioner was granted concession of anticipatory bail by Co-ordinate Bench of this Court vide order dated 12.03.2026 passed in *CRM-M-13568-2026* and was directed to join the investigation. However, the petitioner has failed to comply with the aforesaid directions of the Hon'ble Court. He further submits that there are CDRs connecting the petitioner with the co-accused persons. The investigation so far points towards deeper probe for which custodial interrogation of the petitioner is required. On these grounds, the learned State counsel has prayed for dismissal of the present petition.

5. I have heard the learned counsel for the parties and perused



the petitioner are of a serious nature. The petitioner is alleged to be the mastermind behind the commission of the offence, having acted in concert with the co-accused persons. The investigation has revealed the existence of call detail records (CDRs) linking the petitioner with the co-accused, thereby prima facie indicating his involvement. It is further pertinent to note that the petitioner has been found involved in multiple other cases of a similar nature, suggesting a pattern of habitual offending. Moreover, despite having been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court earlier, the petitioner failed to comply with the directions to join the investigation. Granting anticipatory bail to the petitioner 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.

6. 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."

7. 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.

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

07.04.2026
puneet

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No