



112

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-16690-2026**

Ankit

....Petitioner

versus

State of Haryana and another

....Respondent

Date of Decision: March 27, 2026**Date of Uploading: March 27, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. V.P. Sangwan, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, 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.152 dated 03.12.2025, registered under Sections Section 127(6) of the Bharatiya Nyaya Sanhita, 2023, (Sections 140(3), 351(3), 308(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 added later on) (Section 127(6) of Bharatiya Nyaya Sanhita, 2023 deleted later on), at Police Station Mansa Devi Complex, District Panchkula.

2. The gravamen of the FIR in question reflects that it has been registered on the basis of a complaint moved by complainant-Jaspal Singh Rihal (respondent No.2 herein). The complainant has alleged that his brother-in-law, namely Sandeep Chanana, aged about 34 years, had gone missing on the night of 02.12.2025 at around 9:00 PM from his residence at

Mansa Devi Complex, Panchkula, and his mobile phone was found switched off. Upon search, when he could not be traced, the present FIR came to be registered on the next day. During the course of investigation, the victim was subsequently traced at Haridwar. In his statement recorded before the police, the victim disclosed that he had been forcibly taken away in a vehicle by the petitioner (herein) along with other co-accused persons. He has further alleged that he was wrongfully confined, physically assaulted and coerced into transferring money from his bank account to different accounts. Upon these set of allegations, the present FIR came to be registered against the petitioner and other accused persons.

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. Learned counsel has iterated that the petitioner has no role in the present FIR. Learned counsel for the petitioner has further argued that the alleged victim was moving freely and had visited various places and & hence allegations levelled against the petitioner are false. He has further contended that no amount has been transferred to the account of the petitioner. Learned counsel appearing for the petitioner has further contended that the prosecution case rests entirely on documentary evidence. He has further argued that co-accused namely Ajay, Dipesh and Ashish have already been granted bail and, thus, the petitioner is also entitled for concession of anticipatory bail on the ground of parity.

3.1. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has asserted that

nothing is to be recovered from the petitioner. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. 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 has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature involving offences of abduction, wrongful confinement and extortion. Learned State counsel has iterated that there are specific and direct allegations against the petitioner. He has further argued that the victim has categorically named the petitioner and attributed a specific role to him. Learned State counsel has further argued that the bank transaction records collected during the course of investigation *prima facie* indicate transfer of the amount from the victim's account to the account of the petitioner. He has further argued that the petitioner is stated to be the main accused in the crime in question and recovery of gold chain and money in question is yet to be effected from him. Learned State counsel has also brought to the notice of this Court that the petitioner is involved in one more FIR of similar nature, in which his bail has also been cancelled. Given the severity of the offence and no clean antecedents, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition 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. As per the case put forth in the FIR in question, indubitably, grave and serious allegations have been levelled against the petitioner involving offences of abduction, wrongful confinement and extortion. The victim has specifically named the petitioner and specific role has been attributed to the petitioner in the commission of the offence. As per the case set up by the prosecution *prima facie* strong evidence in the form of bank statement etc. exists against the petitioner. It is further apparent that the petitioner is alleged to be the main accused and recoveries including the money and gold chain are yet to be effected from him. The petitioner is stated to be involved in another FIR of similar offence and, thus, appears to be a habitual offender.

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 27, 2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No