



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

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CRM-M-17386-2026 (O&M)

Date of decision : 01.04.2026

Neeraj Kumar @Sarpanch

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Saurabh Chobey, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SURYA PARTAP SINGH, J. (oral)

This petition for pre-arrest bail is the first petition, filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.98 dated 07.02.2026, for the commission of offence punishable under Sections 305, 3(5) and 61(2) of Bharatiya Nyaya Sanhita, 2023, [Sections 3(5) and 61(2) of BNS added later on], Police Station Sector-10, Gurugram.

2. The abovementioned FIR came into being at the instance of 'Tej Parkash Thakur', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 05.02.2026, an incident of theft had taken place in his company, namely 'M/s Silverglades Infrastructure Pvt. Ltd.', Sector-88 Gurugram. According to complainant, the details of the goods stolen in the abovementioned incident were:-

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- a) 37 air conditioners;
- b) 15 LCD TVs;
- c) 4 mini refrigerators; and
- d) 4 micro-ovens.

3. It is the case of the prosecution that pursuant to abovementioned statement, formal FIR of this case was lodged and the investigation taken up. According to prosecution, during the course of investigation, the accused, namely Sane Alam, Tara Chand and Mohd. Sharik were arrested. As per prosecution, when accused Sane Alam was interrogated, he suffered a disclosure statement, wherein he nominated the present petitioner.

4. **Notice of motion.**

5. Mr. Ramender Singh Chauhan, AAG Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner has been nominated by the co-accused, namely Sane Alam, in his disclosure statement, and that the abovementioned disclosure statement is inadmissible in evidence as the co-accused, namely Sane Alam, was already in custody, when his statement was recorded. It has further been contended by learned counsel for the petitioner that the entire stolen goods have already been



recovered, and therefore, custodial interrogation of the petitioner will not serve any purpose.

8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, there are specific allegations against the petitioner that he was involved in the commission of offence along with three other co-accused, and therefore, to fix the responsibility of the petitioner in the commission of offence, his custodial interrogation is required.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that the offence is triable by the Court of Judicial Magistrate;
- ii. that co-accused of the petitioner, namely Satender @KD, has already been accorded the benefit of pre-arrest bail;
- iii. that the entire stolen articles have already been recovered from the possession of co-accused;
- iv. that the investigation and trial are not likely to be concluded in near future;
- v. that nothing has been left to be recovered from the possession of petitioner;
- vi. that the detention of petitioner in judicial lock-up is not likely to serve any purpose;



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vii. that custodial interrogation of the petitioner is not likely to produce a fruitful result;

viii. that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and

ix. that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

11. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of pre-arrest bail, and that the present petition deserves to be allowed.

12. In view of the above-mentioned discussion, the present petition is hereby ***allowed*** and the petitioner is accorded the benefit of pre-arrest bail. It is hereby directed that in the event of his arrest, the petitioner shall be released on bail on furnishing bonds to the satisfaction of arresting officer. The petitioner will join the investigation as and when called by the Investigating Officer. He shall also abide by the conditions as specified under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

13. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

01.04.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No