



105

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

CRM-M No.19419 of 2026

Date of Decision: 09.04.2026

Gopal @ Madan Gopal Sharma

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kshitiz Goel, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.58, dated 07.03.2026, under Sections 115, 3(5) and 303 of BNS (Sections 303(2), 115(2), 3(5) and 61(2) BNS added later on), registered at Police Station Ballabhgarh City, District Faridabad.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Arvind. It was alleged that the complainant and his wife had came to Sector 55 Faridabad to meet our relatives and thus, they hired an auto-rickshaw from Bus Stand Ballabhgarh, Faridabad, in which two women were already sitting. When they reached Sohna Ballabhgarh flyover, wife of



the complainant saw that her gold chain was stolen, then, the complainant told the driver to stop the auto rickshaw and saw that chain of his wife was in the hands of a women, who was sitting in the auto-rickshaw and was trying to got down from the auto rickshaw. The complainant stopped the woman and told her to return the chain of his wife, upon which, both the women started quarrelling with both of us and raising alarm, thereafter, they tried to fled away from the spot. Thereafter, 2-3 other persons also started quarrelling with the complainant and his wife. One of them disclosed himself as Pradhan of the Auto Union and disclosed his name as Gopal, i.e. the petitioner. The complainant saw that both the women, after taking the advantage of the quarrel, fled away from the spot along with the gold chain. Thereafter, Gopal, i.e. the petitioner also ran away from there. Thus, the request was made to take legal action against the accused. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Faridabad praying for the grant of anticipatory bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Faridabad declined the bail application filed by the petitioner vide order dated 30.03.2026. Hence, being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case.



He has submitted that the petitioner has not committed any offence of theft. He has submitted that no specific role has been attributed to the petitioner and he has been implicated only on the allegation of quarrelling with the complainant. He has submitted that the petitioner has been falsely implicated in the present case by the police officials because of having enmity with the petitioner and his family. He has submitted that the petitioner was working as Pradhan of Auto-rickshaw union at Ballabhgarh and he reached the spot in order to intervene in the matter as the complainant was causing injuries to the ladies sitting in the auto-rickshaw. He has submitted that the petitioner has no concern with the allegations levelled against him in the FIR. He has further submitted that though the petitioner has been falsely implicated in other three cases, however, he is on bail in all the cases and the cases have been registered only to harass the petitioner and put pressure on him. He has thus submitted that keeping in view the facts and circumstances of the case, the petitioner deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of the respondent-State. He, however, has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was specifically named in the FIR. He has submitted that the petitioner in collusion with co-accused, namely, Sanjana and Rashmi had committed theft of gold chain of the wife of complainant. He has further submitted that the petitioner is



a habitual offender, who is involved in three other cases bearing FIR No.268/2025, under Sections 115(2), 126, 308(2), 351(2) BNS, registered at Police Station City Ballabhgarh; FIR No.490/2024, under Sections 115, 126, 190, 191(3), 351(3) of BNS, registered at Police Station Mujesar, Faridabad and FIR No.189/2025, under Sections 148, 149, 295-A, 506 of IPC, registered at Police Station Dhoj, Faridabad. He has further submitted that the investigation is at the initial stage and the allegations against the petitioner are serious in nature. He has submitted that no case for the grant of anticipatory bail to the petitioner is made out and thus, the present petition deserves to be dismissed.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. It has been transpired that complicity of the petitioner has been *prima facie* established as he was specifically named in the FIR. The allegations against the petitioner are that he in collusion with co-accused, Sanjana and Rashmi got committed the theft of gold chain of the wife of complainant and thereafter, helped the co-accused, namely, Sanjana and Rashmi in fleeing from the spot. Allegations against the petitioner are serious in nature. The petitioner is a habitual offender, who is already involved in three other cases bearing FIR No.268/2025, registered at Police Station City Ballabhgarh; FIR No.490/2024, registered at Police Station Mujesar, Faridabad and FIR No.189/2025,



registered at Police Station Dhoj, Faridabad. Needless to say that the investigation is at threshold and granting bail to the petitioner would scuttle the ongoing investigation.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the



individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed*



out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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.”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the case is under investigation and the complicity of the petitioner has been prima facie found. Needless to say, in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

09.04.2026		(RAJESH BHARDWAJ)
<i>rittu</i>		JUDGE
	Whether speaking/reasoned :	Yes/No
	Whether reportable :	Yes/No