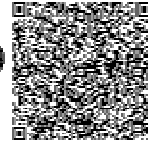


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2026:PHHC:066809



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IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

CRM-M-23819-2026

Rahul Dev

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: April 30, 2026

Date of Uploading: April 30, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Kanish Jindal, Advocate and
Ms. Shivaly Singla, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail to the petitioner, in case bearing FIR No.322 dated 04.07.2025, registered for the offences punishable under Sections 3(5), 308(5), 324(4) of the BNS, 2023, registered at Police Station Mujesar, District Faridabad.

2. The gravamen of the allegations against the petitioner is that on 04.07.2025, the complainant, namely, Virender, stated that he works as a hawker and, along with Kuldeep, Kallu, Karamvir, and 7–8 other individuals, sets up stalls on a daily basis. He alleged that every day at around 8:00 PM, Jitu Malik, Tej Singh Fauji, Abhishek, and 2–3 other associates would come to them and forcibly collect ₹200 from each person for allowing them to set up their stalls. He further stated that whenever they refused to pay, the accused would quarrel with them,

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threaten them with death, and scatter their belongings. He specifically mentioned that on 30.06.2025, they assaulted him for refusing to pay the demanded amount, damaged his phone, and forcibly took ₹3,000 from him. He also added that prior to this incident, Abhishek, Jitu Malik, and Ankush had informed him that Ankush would henceforth come to collect the money and directed him and his fellow hawkers to pay ₹200 per person to Ankush.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the petitioner has been implicated on the basis of disclosure statement of co-accused and statements of witnesses recorded under Section 180 of the BNSS (erstwhile Section 161 Cr. P.C.) and, thus, apart from this, there is no cogent evidence available against the petitioner. Learned counsel has submitted that neither the petitioner has not been named in the FIR in question nor has any specific role attributed to him. Learned counsel contended that the petitioner has been alleged as an accused under Section 308(5) of the BNS, which is triable by Magistrate.

3.1. Learned counsel has argued that nothing is to be recovered from the petitioner. Learned counsel has further iterated that the petitioner is ready and willing to join investigation, and no purpose would be served by keeping the petitioner behind bars. On the basis of the aforementioned submissions, grant of the instant petition is prayed for.

4. Learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that allegations raised against the petitioner are direct/serious in nature. Learned State counsel has asserted that the petitioner has been alleged to have extorted Rs.9,600/- from the street hawkers and the street hawkers have specifically named the petitioner in their respective statements. Learned Staet

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counsel has further asserted that apart from aforesaid, the co-accused, in their disclosures, have specifically named the petitioner as an accused. Learned State counsel has further submitted that, investigation, in the present case, is still under way and the petitioner is yet to be arrested. In case, the petitioner is released on anticipatory bail, there is all likelihood that he may interfere with the prosecution evidence/ witnesses. Learned State counsel has also submitted that the petitioner has no clean antecedents inasmuch as he is involved in multiple FIR(s). Given these circumstances, custodial interrogation of the petitioner is indispensable. It is therefore, submitted that the present petition is devoid of merit and is liable to be dismissed.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per prosecution case and material placed on record, it is borne out that serious allegations have been levelled against the petitioner. Perusal of the order passed by the Court below, whereby, anticipatory bail has been rejected to the petitioner, it has been observed that the petitioner has been booked under Section 308(5) of the BNSS, which constitutes a serious offence. It has been further observed that the petitioner is directly involved in the matter, as the victims, who are street hawkers, have specifically named him in their respective statements recorded under Section 180 of the BNSS, alleging that he had extorted money from them. Additionally, as per the police report, the co-accused have also disclosed the name of the present accused in their respective disclosure statements. The Court below has also noted that an amount of ₹9,600/- allegedly extorted is yet to be recovered from the accused, and for such recovery, his custodial interrogation is necessary. It has been observed that there exists a strong *prima*

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facie case against the petitioner, and his custodial interrogation is essential for a proper and effective investigation.

6.1. 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. Furthermore, the investigation is still at a crucial stage, and custodial interrogation of the petitioner is considered necessary to unearth the complete facts and to ascertain involvement of any other persons connected with the case. The petitioner is yet to be arrested and grant of anticipatory bail, at this stage, may prejudice the ongoing investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses also appears to be not without basis. Given the seriousness of the offence, the stage of investigation and possibility of tampering with evidence or obstructing justice, this Court is of the view that the petitioner does not deserve the concession of bail at this juncture.

8. It is befitting to mention here that while considering 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. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*, the Supreme Court held as under, relevant whereof reads 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 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.”

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 establish a reasonable basis for his accusation. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

9. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. 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**.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 30, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No