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CRM-M-23880-2026 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(211)

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Date of decision: 21.05.2026

Umed

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mohan Singh Rana, Advocate,
for the petitioner.

Ms. Geeta Rani, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 BNSS (Section 438 Cr.P.C.) is for the grant of anticipatory bail to the petitioner in case FIR No.218 dated 03.04.2026 under Sections 308(2), 351(2), 3(5) of BNS (old Sections 384, 506, 34 IPC) registered at Police Station Gurgaon Sadar, District Gurugram, Haryana.

2. The present FIR came to be registered at the instance of Ranjit Kumar Mahato and reads as under:-

Copy of application To Incharge Police Post Jhadsa District Gurugram Subject Sonu, Nitin, Himanshu and their companions to collect money illegally by showing fear of killing Sir, I am a Ranjit Kumar Mahato son of Jagarnath Mahato resident of Village Barwa Police Station Eichak District Hazaribagh Jharkhand. At present, I am living on rent from village Jharsa for the last 7-8 years. I have opened a beedi cigarette (Pan shop) shop in the empty space of the HUDA

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department behind Unitech Cyber Park Sector 39 Gurugram. That place is MCG. I had taken license no-HR/248576/231030/7041682 from MCG to set up the hut at this place. About 3-4 months ago some boys from village Jharsa came to me and told me that we are from Jharsa village. And if you want to work here, you will have to give rupees every month. If you don't pay, then you will not let you work here. When I refused them, those people threatened to kill me and threatened to stop my work. Those people threaten me every month and recover illegal money. In this way, those people also take money from other street people. The name of the person who collected illegal money from me is Sonu, Nitin, Himanshu and other 3-4 persons (whose names I do not know.) Please take legal action against the above persons. SD/- Ranjit Kumar Mahato 9153299646.

3. The learned counsel for the petitioner contends that, though, the petitioner Sonu @ Umed has been named in the FIR, no specific role has been attributed to him. Two co-accused, namely, Himanshu and Nitin @ Mota have been granted the concession of regular bail and the case of the petitioner is on a better footing. The FIR has been registered on account of a previous quarrel between the petitioner and the son of the SHO, Police Station Sadar, Gurugram in relation to which FIR No.803 dated 2024 under Sections 190, 191(3), 115, 126, 324(4), 351(3), 117(2), 110 BNS stands registered at Police Station Sadar, Gurugram. It is highly unlikely that the petitioner would extort money from a poor Pan Shop vendor. As the petitioner is ready and willing to join the investigation, he be granted the concession of anticipatory bail.



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4. The learned counsel for the State, on the other hand, has filed a status report dated 15.05.2026 which is taken on record. While referring to the same, he contends that the petitioner has played an active role in the commission of the present crime. It has been found during investigation that the petitioner in connivance with his co-accused, namely, Nitin @ Mota, Himanshu and their associates was involved in illegally extorting money from the complainant and other street vendors. He is a habitual offender with as many as 13 other cases registered against him. As the offence is *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is required and therefore, he is not entitled to the concession of anticipatory bail.

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

6. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation."



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Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial***



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interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. As per the FIR itself, the allegations against the petitioner are that he alongwith his co-accused collected ransom money from the complainant and other street vendors. Therefore, the offence is *prima facie* established. Further the petitioner is a habitual offender with multiple other cases registered against him.

8. The relevant extract of the status report filed by way of an affidavit of Lalit Dalal, HPS, Assistant Commissioner of Police, Crime-I, Gurugram, Haryana is reproduced hereinbelow:-

7. **ROLE OF THE PETITIONER:** *That in so far as the role of the petitioner in the commission of the present crime is concerned, it is submitted that the petitioner has played an active role in the commission of the present crime. The petitioner is a named accused in the present FIR and upon investigation, it was found that the petitioner in connivance with co-accused persons namely Nitin, Himanshu and their associates, was involved in illegally extorting money from the complainant and other street vendors by putting them under fear of injury and criminal intimidation and used to demand monthly payments from the complainant on the pretext of permitting him to run his pan shop kiosk and threatened that in case of non-payment, he would not be allowed to conduct his business and his life would be endangered. During the course of investigation, co-accused Nitin @ Mota and Himanshu disclosed the complicity of the petitioner along with other co-accused persons namely Vishu, Jogi, Ajay and Raju also surfaced.*

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9. That apart from the present case, the complicity of the petitioner has also been found in the commission of other criminal cases which follows as:

- a. FIR No. 381/2021 under section 147, 148, 323, 325, 335, 294, 506 of IPC registered at PS Sector-50, Gurugram. (Notice, Next date 13.07.2026)*
- b. FIR No. 32/2023 under section 25(1-B)(a) Arms Act registered at PS Sector-50, Gurugram. (Evidence, Next date 21.09.2026)*
- c. FIR No. 784/2023 under section 25(1-B)(a) Arms Act registered at PS Sadar, Gurugram. (Evidence Next date 20.07.2026)*
- d. FIR No. 689/2023 under section 147, 149, 323, 325, 506 of IPC registered at PS Sadar, Gurugram. (Notice, Next date 18.05.2026)*
- e. FIR No. 27/2021 under section 147, 149, 323, 325, 506 of IPC registered at PS Sadar, Gurugram. (Evidence, Next date 06.06.2026)*
- f. FIR No. 27/2022 under section 323, 427, 506, 34 of IPC registered at PS Sector-40, Gurugram. (Evidence, Next date 14.05.2026)*
- g. FIR No. 512/2021 under section 323, 506, 34 of IPC registered at PS Sadar, Gurugram. (Non-Bailable warrant, Next date 20.11.2026)*
- h. FIR No. 97/2023 under section 147, 148, 149, 323, 427, 285 of IPC and Section 25 of Arms Act registered at PS City Sohna, Gurugram. (Evidence, Next date 20.05.2026)*
- i. FIR No. 561/2023 under section 147, 149, 385, 323, 506 of IPC registered at PS Sadar, Gurugram. (Charge, Next date 21.05.2026)*
- j. FIR No. 803/2024 under section 190, 191(3), 115, 126, 324(4), 351(3), 117(2), 110 BNS registered at PS Sadar, Gurugram. (Charge, Next date 02.05.2026)*



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k. FIR No. 576/2021 under section 147, 149, 323, 324, 506 of IPC registered at PS Sadar, Gurugram. (Warrant, Next date 25.05.2026)

l. FIR No. 119/2025 under section 109(1), 190, 191(3), 351(2) BNS registered at PS Sadar, Gurugram. (Charge, Next date 02.06.2026)

m. FIR No. 181/2025 under section 25(1-B)(a) Arms Act registered at PS Shivaji Nagar, Gurugram. (Appearance, Next date 16.07.2026)

9. Keeping in view the fact that the offence stands *prima facie* established, the investigation is to be taken to its logical conclusion and the criminal antecedents of the petitioner, his custodial interrogation is certainly required.

10. In view of the above, I find no merit in the present petition and the same stands dismissed.

11. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

12. The pending application(s), if any, shall stand disposed of accordingly.

May 21, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No