

CRM-M-26862-2026
Date of decision: 12.05.2026

...PETITIONER

STATE OF HARYANA

...RESPONDENT

Present: Mr. Kamil Nagpal, Advocate for the petitioner.

Mr. Karan Veer Singh, Senior DAG, Haryana.

Mr. Anuj Baliaan, Advocate for the complainant.
(through video conferencing)

SUBHAS MEHLA, J. (ORAL)

1. Through the instant petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is for grant of anticipatory bail to the petitioner in case bearing FIR No.29 dated 08.03.2026 registered under Sections 115(2), 118(1), 118(2), 190, 191(3) and 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Jathlana, District Yamuna Nagar.

2. Allegations against the petitioner are that he was present in the car with the main accused during the attack on Rakesh and signaled to co-accused, Naved about the identity of Rakesh. Petitioner was part of unlawful assembly with the other assailants, who attacked the complainant and threatened to kill him before fleeing the spot.



3. Learned counsel for the petitioner prays for discretionary relief of anticipatory bail to the petitioner on the following grounds :

- i. The petitioner has been falsely involved in the present case.
- ii. There is no direct evidence against the petitioner to prove his complicity in the present matter.
- iii. No overt act or injury has been attributed to the petitioner in the commission of crime and the main allegation is against co-accused, namely, Naved.
- iv. Weapon of offence has already been recovered from co-accused.
- v. Petitioner is having clean and clear antecedents and is not involved in any other case.
- vi. Custodial interrogation of the petitioner is not required as nothing is to be recovered from him.
- vii. Petitioner is ready to join the investigation as and when required and to co-operate with the investigating agency.

4. Learned State counsel opposed the prayer made by the petitioner on the following aspects:

- i. co-accused Naved was armed with *gandasi*, who gave a blow on the neck of the complainant, but fortunately, he managed to save himself by raising his left hand.
- ii. Petitioner along with other co-accused formed an unlawful assembly and came in four vehicles in order to attack the complainant/injured.



iii. Petitioner is required for custodial interrogation for proper investigation of the case.

5. Learned counsel for the complainant opposed the prayer of the petitioner and submitted that his case is on similar footing with co-accused, Abdul Khan, whose bail application was dismissed as withdrawn by this Court vide order dated 24.03.2026 passed in **CRM-M No.16189 of 2026**. It is further contended that the petitioner actively participated in the commission of offence as he was the part of an unlawful assembly, which can be seen in the CCTV footage.

6. Heard.

7. Keeping in view the facts and circumstances of the case and contentions of learned counsel for the parties, this Court does not find merit in the present petition on the following grounds :

- i. The petitioner actively participated in the commission of offence and was a part of unlawful assembly and was present at the place of occurrence while sitting in the car.
- ii. It was the petitioner, who signaled about the identification of the complainant/injured and on whose signal co-accused attacked him.
- iii. Case of the petitioner is on same footing with that co-accused, whose bail petition was dismissed as withdrawn and the said fact has been concealed by the petitioner.
- iv. The manner, in which, the offence is committed is serious in nature.



- v. Petitioner is required for custodial interrogation for proper investigation of the case.

8. The Hon'ble Supreme Court in case titled as '*CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806*' decided on 03.08.1997, has emphasized the importance of custodial interrogation by holding that many useful informations and concealed materials may be elicited from a suspect in custody, rather than from a suspect who is well-protected by an order of anticipatory bail, in which case, interrogation may be reduced to a mere ritual.

9. So, taking into consideration the totality of circumstances, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

10. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

May 12, 2026
Manisha

(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |