



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

CRM-M-28103-2026

Decided on: 18.05.2026

Banti

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Ashim Singla, Advocate, for the petitioner.

Mr. Kuljinder Dhindsa, AAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.164 dated 05.09.2022, registered under Section 380, 457 IPC, at Police Station Bhikhi District Mansa.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant, namely, Jagjit Singh. It was alleged that he had been working as a Security Supervisor with B-4S Solution Private Limited for the last seven years and was presently deputed at the mobile towers of Indus Towers Limited situated at Village Pharwahi, Mansa. It was further alleged that on 02.09.2022, at about 2:00 p.m., upon visiting the tower along with technician Avtar Singh, they found the tower locked and discovered that theft of 24 battery cells worth approximately Rs.70,000/- had been committed by unknown persons. Thus, request was made for taking legal action against the accused persons. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Mansa praying for grant of anticipatory bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 23.12.2022. Hence, the



petitioner has approached this Court praying for grant of anticipatory bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioners that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner was named in the FIR, nor any specific role was attributed to him. However, he has been implicated in the present case only on the basis of disclosure statement of co-accused Binder Singh and Parveen, which in itself is not even an admissible evidence. He further contends that till date no challan has been presented against the petitioner and thus, his false implication in the present case is writ large. He submits that even otherwise there is an unexplained delay of three days in registration of the FIR as the alleged incident took place in the intervening night of 01.09.2022 and 02.09.2022, whereas, the FIR was registered on 05.09.2022. He has further contended that there is nothing on record to connect the petitioner with the alleged commission of offence. He, thus, contends that in the facts and circumstances of the present case, no *prima facie* case is made out against the petitioner, and hence, he deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that though the petitioner was not named in the FIR, however, during the investigation, his complicity was duly proved. He submits that anticipatory bail petition of the petitioner was dismissed by learned trial Court on 23.12.2022 and till date he is evading his arrest in this case. He, thus, submits that in the facts and circumstances of the present case, custodial



interrogation of the petitioner is required and hence, he prays for dismissal of the present petition.

5. Having heard learned counsel for the parties and perused the record, it is deciphered that though the petitioner was not named in the FIR, but his involvement surfaced during the course of investigation on the basis of disclosure statements of co-accused, namely, Shinder Singh and Parveen. The contention raised by learned counsel for the petitioner regarding inadmissibility of disclosure statements and delay in registration of the FIR are matters to be examined during trial and cannot be made a ground for grant of anticipatory bail at this stage. It is also pertinent to note that the anticipatory bail application filed by the petitioner was dismissed by the learned Additional Sessions Judge, Mansa on 23.12.2022 and, since then the petitioner has allegedly been evading his arrest from the last about four years. The investigation is still in progress qua the present petition and custodial interrogation of the petitioner appears necessary for effective investigation and recovery, if any. Considering the nature and gravity of allegations, the manner in which the offence is alleged to have been committed, and the requirement of custodial interrogation, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

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

482“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*



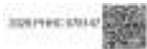
apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

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."*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has 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](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioners at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in their favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

18.05.2026
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No