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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-28865-2026

Date of decision: 20th May, 2026

Mohd. Mehraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashish Jhamb, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 151 dated 15.03.2026 registered under Sections 123, 127(2), 140(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Palla, Faridabad.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Rubi Khatun, alleging therein that she had been residing separately from her husband Ali Sher Khan, due to some matrimonial disputes. Her husband had been residing with some other female. Some time back, her husband had called her younger daughter Jannat to live with him to avoid making payment of any maintenance amount. On 10.03.2026, she received information from the female with whom her husband had been residing that her daughter Jannat had left their home. Since she had

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not come to the house of the complainant, she started searching for her but could not find her till 15.03.2026. As such, she prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. The victim Jannat came back to her mother's house and her statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (which is *pari materia* with Section 164 Cr.P.C.) was recorded before the concerned Magistrate on 09.04.2026. She stated that on 10.03.2026, when she was standing outside her house, she was taken away by the petitioner on the pretext of making her eat something. He had made her consume some cold drink and thereafter, she had lost consciousness. She stated that she had been kept confined in that condition and did not remember as to what had happened with her. She also disclosed that on 07.04.2026 on finding the door of the premises, wherein she was kept confined, to be open, she fled from the same. On the basis of her statement, the petitioner was nominated as an accused. Apprehending his arrest, he moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Faridabad, which was dismissed vide order dated 13.05.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in the case. He was not named in the FIR. In fact, the FIR had been lodged as a counterblast to FIR No. 400 dated 18.06.2025 got registered by him against his in-laws, who are members of the family of the complainant. The daughter of the complainant is married to his brother-in-law

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and there is close family relationship between the parties. The FIR has been lodged due to ongoing family disputes. He has been falsely roped into the matter. His custodial interrogation is not required and no recovery is to be effected from him. He is ready to join the investigation. Thus, it is argued that he deserves to be granted the concession of pre-arrest bail.

5. Notice of motion.

6. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by her that the allegations against the petitioner are serious in nature. The victim had levelled specific allegations against him in her statement recorded before the learned Magistrate. For the purpose of conducting a proper and thorough investigation in the matter, the custodial interrogation of the petitioner is must. The case is at a nascent stage. The petitioner has failed to make out any extraordinary and exceptional circumstances for grant of bail. Therefore, it is argued that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

8. The petitioner is alleged to have abducted the victim on 10.03.2026, to have made her consume some intoxicating substance and thereafter keeping her in captivity/wrongful confinement for a period of about one month. The allegations against him are serious in nature. For conducting proper and through investigation in the matter, the custodial interrogation of the petitioner is must. Even otherwise, the petitioner has failed to make out

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any exceptional or extraordinary circumstance making out a case for grant of pre-arrest bail to him. It is well settled that anticipatory bail to an accused can be granted in exceptional circumstances only as a person couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge. In case custodial interrogation of the petitioner is denied to the Investigating Agency, that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. In view of the above discussed facts and circumstances, this Court is not inclined to grant concession of pre-arrest bail to the petitioner. Accordingly, the petition is dismissed.

9. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

10. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th May, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |