



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

**CRM-M-31350-2026  
Date of decision: 27.05.2026**

**Vikas Kisan Mane**

**.....Petitioner**

**versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**\*\*\***

Present :- Mr. Sandeep Kumar, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J.**

1. Petitioner has approached this Court praying for grant of anticipatory bail to him in case FIR No.83 dated 15.03.2026, under Sections 303(2), 317(2) of BNS, registered at Police Station GRP Ludhiana, District Govt. Railway Police (Ludhiana).
2. Succinctly facts of the case are that the FIR in the present case has been lodged on the statement of complainant, Rama Dogra. It was alleged that she was travelling with her husband and daughter on Jhelum Express from Jammu Tawi to Narela PNR-2512318909, Seat No.13, Coach No. A2. She checked her purse at 04:21 AM at Ludhiana Railway Station and found it was missing. After sometime, her hand bag containing jewellery worth Rs.25,00,000/- and Rs.12,000/- to Rs.14,000/- in cash was also found to be missing. It was alleged that there was a complete lack of assistance available on board. She tried to contact TTE but the TTE remained unavailable and unreachable for hours. Eventually, she located him in the pantry car, where he stated that there was nothing he could do while the train was in motion. No coach attendant was also present. It is suspected that the thief boarded the train at Ludhiana and



may have deboarded at Khanna. It was alleged that some of the belongings including a mobile phone, Aadhar card, and bank cards, have reportedly been recovered at Doraha by the concerned authorities. Request was made to take legal action against the accused persons. On registration of the FIR, investigation commenced. During investigation, on the basis of disclosure statement, the petitioner was nominated in this case. Apprehending arrest, petitioner approached the Court of learned Additional Sessions Judge, Ludhiana praying for grant of anticipatory bail. However, after hearing counsel for both the sides, the same was declined vide order dated 27.03.2026. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner was named in the FIR nor any role has been attributed to him. He has submitted that after registration of the FIR, the main accused, namely, Kulbir Singh, suffered a disclosure statement alleging that the stolen gold ornaments had been melted by the petitioner and that 10 grams of gold had also been given to him, however, the said disclosure statement is not even an admissible evidence. He has submitted that Kulbir Singh @ Happy who has committed the theft has already been granted the concession of regular bail by the learned trial Court vide order dated 06.04.2026. He has submitted that even otherwise, the complainant has got released all her gold ornaments and other articles on superdari vide order dated 11.05.2026. He has submitted that in the facts and circumstances of the case, the petitioner deserves to be granted anticipatory bail.



4. Notice of motion.

5. Mr. K.D. Sachdeva, DAG, Punjab accepts notice on behalf of the respondent-State.

6. Learned State counsel has, however, vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the main accused, namely, Kulbir Singh, who committed the occurrence in the present case, suffered a disclosure statement wherein he specifically disclosed that the stolen gold ornaments were got melted from the petitioner and that a part of the gold was also handed over to him. He has further submitted that the gold ornaments are yet to be recovered and therefore, custodial interrogation of the petitioner is necessary for proper investigation and recovery of the case property.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the role attributed to the petitioner is that he allegedly helped the main accused, namely, Kulbir Singh, in concealing the stolen gold by getting the gold ornaments melted and by receiving a part of the stolen gold i.e. 10 grams. The disclosure statement suffered by the main accused specifically points towards the complicity of the petitioner and showing his involvement in the present case. The co-accused in the present FIR have been enlarged on regular bail and not on anticipatory bail and grounds for grant of regular bail rests on different footing than anticipatory bail. Investigation is at its crucial stage and petitioner has been alleged to be part of the conspiracy.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 which reads as under:-



***“Direction for grant of bail to person apprehending arrest:-***

*Where 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.*

*When the High Court or the Court of Sessions 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.*

9. As per law settled by the Hon'ble Supreme Court, in **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would also prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-



*31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society*



*as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.*

10. The Hon'ble Supreme Court in **State Vs. Anil Sharma, (1997) 7SCC 187**, 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 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.*

11. 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



found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

27.05.2026  
*m. sharma*

( RAJESH BHARDWAJ )  
JUDGE

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