



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

**CRM-M No.32821 of 2026
Date of Decision: 04.06.2026**

Rajan Kumar Yadav and another

.....Petitioners

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sanyam Khetarpal, Advocate for the petitioner.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J.

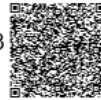
1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.321, dated 21.10.2025, under Section 303 of BNS (Sections 303(2), 317(2), 318(4), 336(4), 338, 340(2) of BNS added lateron), registered at Police Station S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Gaurav. It was alleged that on 20.10.2025 at about 10.00 p.m., the complainant had parked his vehicle bearing registration No.HR-29-AV-6124, engine No.K15BN4027555, Chasis No.MA3NYFJISLH664325 make Breeza LXI Model No.2020 near Water Booster pump, outside Gali No.6. It was alleged that his vehicle was found missing in the next morning and he tried to trace out the same but all in vain. Thus, the request was made to take the legal action qua theft of his vehicle. On registration of the FIR,



the investigation commenced. During investigation, complicity of petitioners surfaced in the present case on the basis of disclosure statement of co-accused. Apprehending their arrest, petitioners approached the Court of learned Additional Sessions Judge, Faridabad, praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Faridabad dismissed the petition filed by the petitioners vide his order dated 30.05.2026. Hence being aggrieved, the petitioners are before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioners were named in the FIR nor they had any connection with the allegations as set out therein. He submits that during investigation, co-accused Govinda was arrested by the police and it is only on the basis of his disclosure statement, name of the petitioners surfaced in the present case and they were also arrayed as accused. He submits that the disclosure statement of the co-accused is not even an admissible evidence. He submits that there exists no substantial evidence apart from the disclosure statement to prove the allegations against the petitioners. He submits that the vehicle in question was recovered from the co-accused and nothing is to be recovered from the present petitioners. He thus, submit that no *prima facie* case, as alleged



against the petitioners, is made out and hence, they deserve to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Ms. Diya Sodhi, Sr. D.A.G., Haryana, accepts notice on behalf of respondent-State.

6. Learned State counsel had opposed the submission made by counsel for the petitioners and has submitted that the petitioners along with co-accused, namely, Govinda purchased the stolen vehicle of the complainant from the friend of petitioners. She submits that the petitioners along with co-accused have changed the original number plate of the stolen vehicle and affixed a fake number plate on the same. She submits that the said vehicle was taken into police possession by the Police of District Siwan, Bihar in a liquor case and co-accused Govinda was arrested for the same. She submits that it is on the basis of disclosure statement of co-accused, Govinda, complicity of present petitioners surfaced and they were also arrayed as accused in the present case. She submits that the petitioners in connivance with co-accused have committed theft of the vehicle in question which belongs to the complainant. She submits that to unearth nexus between all the accused involved in the commission of theft, custodial interrogation of the petitioners would be required. She thus, submits that no case for the grant of anticipatory bail to the petitioners is made out and the present petition being devoid of merit, deserves to be dismissed.

7. On hearing the counsel for the parties and perusing the record, it is deciphered that petitioners along with co-accused, have



committed theft of the vehicle of the complainant. Though the petitioners have been implicated in the present case on the basis of disclosure statement, however, there are specific allegations that petitioners along with co-accused, namely, Govinda, have purchased the stolen vehicle make Breeza of the complainant from the friend of the petitioners. They also changed the original number plate of the said vehicle by replacing the same with fake number plate. The petitioners are actively involved in stealing of vehicles and further selling the same to public at large. The allegations made against the petitioners thus, *prima facie* established. The petitioners are alleged to be a part of this well planned theft. For proper and effective investigation, there are sufficient grounds for custodial interrogation of the petitioners in this case. Needless to say that the case is under investigation.

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

“Direction for grant of bail to person apprehending arrest:

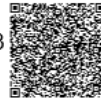
1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall 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.”*

9. As per the 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 always 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 petitioners has been *prima facie* found. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioners would be essential and granting anticipatory bail to the petitioners at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioners do 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.

04.06.2026

ps-I

(RAJESH BHARDWAJ)
JUDGE

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