

2026:PHHC:087455



113

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

**CRM-M-33641-2026
DECIDED ON: 12.06.2026**

SANDEEP @ SUMIT**.....PETITIONER(S)****VERSUS****STATE OF HARYANA****.....RESPONDENT(S)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Aditya Sanghi, Advocate
for the petitioner

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 akin to Section 438 of the Criminal Procedure Code, 1973 praying for grant of Anticipatory Bail to the petitioner in case arising out of FIR No. 227 dated 23.05.2026, registered under Sections 25(6) of the Arms Act, 1959 and Section 111(4) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Model Town, District Rewari.

2. As per the prosecution version, on 23.05.2026, SI Jitender alongwith other police officials was present near Village Kharsanki on Bhadawas Road in connection with patrol duty when a secret informer informed that co-accused Sachin alias Chinu was present near Narnaul Bypass Flyover carrying an illegal weapon. On the basis of said information, the police apprehended co-accused

Sachin alias Chinu and allegedly recovered one pistol, one empty magazine and two live cartridges from his possession.

During interrogation, co-accused Sachin allegedly disclosed that the said pistol and cartridges had been supplied to him about one month earlier by the present petitioner and another person. On the basis of the said disclosure statement, the petitioner was sought to be implicated in the present case. It is alleged by the prosecution that further recovery of one pistol and cartridges is pending from the petitioner and his custodial interrogation is required.

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and the entire prosecution case qua the petitioner is founded solely upon the disclosure statement of co-accused Sachin alias Chinu, from whose possession the alleged recovery of pistol and cartridges was effected, whereas no recovery whatsoever has been effected from the petitioner. It is argued that the petitioner was neither apprehended from the spot nor named in the secret information and there is no independent or corroborative material, such as CCTV footage, call detail records, financial transactions or any other incriminating evidence, connecting the petitioner with the alleged offence. Learned counsel further submits that the disclosure statement of a co-accused, in the absence of any independent corroboration or recovery, cannot be made the basis for subjecting the petitioner to custodial interrogation and denial of the concession of anticipatory bail. It is contended that the alleged weapon was not used in the commission of any offence and there is no allegation of firing, injury or any overt act attributed to the petitioner. It is further submitted that the investigation with regard to the recovery from the co-accused has already been

completed and the alleged pending recoveries are vague and derivative in nature, being based only upon the disclosure statement. Learned counsel also argues that mere registration of other FIRs against the petitioner cannot be the sole ground for declining the relief of anticipatory bail, particularly when there is no recovery from the petitioner in the present case. It is submitted that the petitioner is willing to join investigation and cooperate with the investigating agency as and when required.

Notice of motion

On behalf of the State

Mr. Ved Parkash, Sr. DAG Haryana, has put in appearance on behalf of respondent/State and opposes the prayer made in the present petition on the ground that during investigation, co-accused Sachin alias Chinu disclosed that the pistol and cartridges recovered from him were supplied by the present petitioner and one other person, and the recovery of one pistol and eight cartridges allegedly supplied by the petitioner is still to be effected.

Learned State counsel argues that the custodial interrogation of the petitioner is necessary to ascertain the source of the weapon, the manner in which it was procured and to unearth the complete chain of events. It is further submitted that the petitioner is involved in several other criminal cases and has criminal antecedents, which cannot be ignored while considering the prayer for anticipatory bail. It is argued that grant of anticipatory bail at this stage may hamper the investigation and the petitioner may not cooperate with the investigating agency.

4. **Analysis & Conclusion**

The allegations in the present case reveal that the petitioner has surfaced during the course of investigation on the basis of the disclosure statement of co-accused Sachin alias Chinu, who was apprehended and from whose

possession the alleged pistol and cartridges were recovered. The prosecution case is that the said weapon and ammunition were allegedly supplied by the petitioner and that further recovery of one pistol and cartridges is yet to be effected from him.

At this stage, while considering the prayer for anticipatory bail, this Court cannot conduct a detailed examination of the evidence or record a finding regarding the ultimate guilt of the petitioner. The disclosure statement of a co-accused, coupled with the allegations regarding the pending recovery and the requirement to ascertain the source of the illegal weapon, cannot be completely ignored at the stage of investigation. The investigating agency has specifically asserted that custodial interrogation of the petitioner is required to unearth the manner of procurement and supply of the weapon and to complete the chain of investigation.

The petitioner is alleged to be involved in several other criminal cases, which is also a relevant circumstance while examining the prayer for grant of discretionary relief of anticipatory bail. The nature and gravity of the allegations, the recovery already effected from the co-accused, the alleged role attributed to the petitioner and the pending investigation do not make out a case for extending the extraordinary protection of pre-arrest bail at this stage.

The contention of learned counsel for the petitioner that there is no recovery from the petitioner and that his implication is based upon the disclosure statement of the co-accused would be a matter of trial and appreciation of evidence. However, having regard to the stage of investigation and the facts and circumstances of the case, this Court is of the considered view that custodial interrogation of the petitioner cannot be said to be unwarranted.

Also this Court would opine that in everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a *prima facie* opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in light of the self-imposed restrictions and the broader legal parameters outlined.

The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that

no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in **“State vs. Anil Sharma”; (1997) 7 SCC 187**, held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favourable 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 material 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 needs 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.”

5. **Decision**

Accordingly, this Court finds that no exceptional ground is made out for granting the concession of anticipatory bail to the petitioner. The present petition is dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

12.06.2026
anuradha

(SANDEEP MOUDGIL)
JUDGE

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