

2026.PHHC.019967



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

102+212

CRM-M-63605-2025 (O&M)

Date of decision: 09.02.2026

Ramesh Kumar**...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Karan Garg, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)**1. CRM-4956-2026**

Allowed as prayed for, subject to all just exceptions. Documents are taken on record.

2. CRM-M-63605-2025 (O&M)

The present petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of anticipatory bail in case arising out of FIR No. 256 dated 03.08.2022, registered under Sections 420, 467, 468, 471 and 506 read with Section 120-B of IPC at Police Station Bhuna, District Fatehabad.

3. It is argued by learned counsel for the petitioner that he had been declared a proclaimed person in the aforesaid case, vide order dated 27.10.2025 passed by the learned trial Court. He had filed a petition, bearing number **CRM-M-70574-2025**, before this Court seeking quashing of the said order, which was allowed and the aforesaid order was quashed by this Court, vide order dated 15.12.2025. Simultaneously, the petitioner was directed to surrender before

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the Court concerned within a period of 20 days from the date of passing the order and to move an application for grant of bail. His arrest was also stayed for the interim period. The petitioner has filed the present petition seeking grant of anticipatory bail and vide order dated 12.11.2025, while issuing notice of motion, it was directed by this Court that no coercive action shall be taken against the petitioner. In compliance with the said order, he appeared before the learned trial Court and deposited the cost of Rs.10,000/- imposed upon him by this Court. The petitioner had supplied the copies of orders dated 12.11.2025 and 15.12.2025 to the learned trial Court while appearing before it on 05.01.2026. Initially, he was directed to be joined into investigation but on an application moved by the Investigating Officer of the case, the petitioner, he was ordered to be taken into custody, in complete defiance of the aforesaid order passed by this Court. The petitioner had filed an application before the learned trial Court annexing the copies of the orders passed by this Court and seeking immediate release of the petitioner but the same was not considered. It was observed by the Court concerned that since he had not filed any application seeking anticipatory bail before the Court of Sessions and that his police remand was over, he was liable to be remanded to judicial custody. The learned trial Court has acted in utter disregard of the order passed by this Court, wherein the petitioner was granted interim protection.

4. Though, learned counsel for the petitioner has filed a separate application bearing CRM-4957-2026 seeking immediate release of the petitioner, however, keeping in view the peculiar facts of the case, he seeks withdrawal of the present petition with direction to the learned trial Court that in case he files an application for grant of regular bail, the same shall be decided expeditiously.

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5. In view of the above, the present petition along with any pending application is dismissed as withdrawn. In the eventuality of the petitioner's filing an application seeking grant of regular bail before the learned trial Court, the same shall be decided expeditiously, preferably within a period of three days from its filing.
6. This Court is *prima facie* of the view that the learned trial Court has committed a manifest error in remanding the petitioner to police/judicial custody despite a clear and subsisting order passed by this Court directing that no coercive action shall be taken against him. Once interim protection had been granted by this Court, the learned Magistrate was bound to give full effect to the same and could not have nullified the said protection on technical considerations such as non-filing of an anticipatory bail application before the Court of Sessions, especially in view of the fact that the petition for grant of anticipatory bail filed by the petitioner, i.e. the present petition, was pending before this Court. The act of remanding the petitioner to custody, despite being apprised of the orders dated 12.11.2025 and 15.12.2025, reflects *prima facie* non-compliance with the directions of this Court. Accordingly, the learned Magistrate concerned is directed to submit an explanation detailing the circumstances under which the aforesaid orders of this Court were not adhered to, within a period of one month from today. On receipt of the explanation, the Registry shall put up the same before this Court in *Kutcha Peshi*.
7. A copy of this order be immediately sent to the Magistrate concerned for compliance.

09.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No