

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

213

CRM-M-63754-2025**Date of decision: 17.02.2026**

Rahul Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Akhilesh Vyas, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J (ORAL)

1. Petitioner, who is accused in case FIR No.0099 dated 06.08.2025 registered against him, for commission of offences punishable under Sections 304(2),3(5) of BNS and Sections 25,27 of the Arms Act, 1959 and Sections 109 of BNS, 2023 (added later on) at Police Station Mohkampura, District Police Commissionerate Amritsar, has filed the instant petition, praying for grant of pre-arrest bail.

2. Relevant facts as emerging from the documents be noticed hereinbelow:

Shiv Kumar, son of late Madan Lal, R/o H.No.50, Khattichidi, Batala Road, Bharat Nagar, Amritsar set the criminal law in motion by filing a complaint pointing therein that his son Dheeraj Vadhera runs a Computer Centre at House No.63, Street No.17, Pawan Nagar, Amritsar. At around 05.00/05.15 PM on 06.08.2025, he and his son were standing in the street after closing the Computer Centre, when three young men arrived at a Splendor Motorcycle. Two boys riding pillion had covered their faces but the boy riding the motorcycle had not covered his face, who suddenly took out a pistol and threatened his (complainant's) son to hand over whatever valuables they have in their possession. Complainant further alleges that three gold rings, gold bracelet, gold chain, silver chain and a mobile phone hand set Pro 16 were snatched by the miscreants. He also offered to identify them if they appeared before him. Complainant further pointed out to

hand over bills of snatched articles later. On the basis of said complaint, aforesaid



formal FIR was registered. Proceedings were set into motion. On 13.08.2025, complainant got his supplementary statement recorded pointing therein that after inquiries made at his own level, he has come to know the identification details of snatchers as Rahul Kumar @ Cheeni (present petitioner), Akash son of Shivraj Singh and Akash son of unknown. Complainant also disclosed that the pistol used by the accused during the incident was provided by Gautam Mehra. On the basis of said statement, co-accused Gautam Mehra, Akash son of Shivraj and Akash son of unknown were nominated as accused vide DDR No.53 dated 13.08.2025. Thereafter, Rohit Kumar son of Rajesh Kumar was also nominated. It also came to the notice of police Authorities that the actual name of co-accused Akash son of unknown was Rohit Kumar son of Rajesh Kumar.

It is further the case of prosecution that aforesaid Rohit Kumar was in custody in some other case. After seeking his production warrants, he was interrogated during which he confessed to his involvement in the commission of offence as also elaborated names of his other accomplice. According to him, he and other accused along with his cousin Gautam Mehra had planned to commit the incident. The valuables of complainant and his son were snatched at gun point. He further disclosed that looted ornaments were given to Majhar in exchange of 500 grams of heroin. Pistol used and the contraband have already been recovered in another case. Motorcycle and I-phone (Pro 16) were recovered at the instance of co-accused Rohit Kumar from the place known to him.

It is also the case of prosecution that during the course of investigation, complainant suffered yet supplementary statement on 12.09.2025 pointing therein that Gurpreet Singh @ Gopi had conducted *recci* of his son Dheeraj Vadhera and had given information to the accused, who then visited the site. Resultantly, Gurpreet Singh was also nominated and arrested on 13.09.2025, who in turn disclosed that neighbour of complainant namely Gautam Mehra was also instrumental in pointing out the location details and movements of Dheeraj Vadhera. After the incident was committed, both he (Gurpreet Singh) and Gautam Mehra went to PG room of sister of Gautam Mehra namely Rekha Mehra at Mohali, took their share, resided in accommodation for 7-8 days. Resultantly, Rekha Mehra was also nominated and arrested on 15.09.2025. Section 249 of BNS was added on the basis of her disclosure statement. Statement of relevant witnesses were recorded at various stages of investigation. Investigation qua accused Rohit and Gurpreet @ Gopi and Rekha Mehra was completed and challan against them was filed.



One of the accused Rekha Mehra has been extended concession of bail whereas Rohit Kumar and Gurpreet Singh are in judicial custody.

Apprehending his arrest, petitioner-accused Rahul Kumar moved an application for grant of pre-arrest bail before the learned Addl. Sessions Judge, Amritsar. Same came to be dismissed on 14.10.2025. Aggrieved of which, present petition has been filed.

3. Learned counsel for the petitioner contends that the petitioner a young boy, who was not present at the site did not participate in the incident, has been falsely implicated in the present case. Falsity of the case set up by the complainant is apparent from the fact that initially the FIR was registered against unknown persons. Complainant even did not mention the physical identification details of the culprits, who had allegedly snatched valuables from him and his son at gun point. Approximately 6-7 days after the incident merely on the supplementary statement of complainant, petitioner was nominated; there being nothing to suggest his involvement in the incident. Further the fact that the complainant did not even hand over the bills of the gold ornaments neither disclosed IMEI number of the alleged snatched phone, raises doubt on the genuineness of story put-forth by him.

It is further the submission of learned counsel that in the wake of recovery of alleged looted valuable articles having already been effected, custodial interrogation of the petitioner is not needed, for nothing is to be recovered from him. He is not in any which way connected with co-accused Rohit, neither he has any criminal antecedents, which even remotely suggests his involvement. Thus the present FIR, as per learned counsel as is evident from the documents and other connecting circumstances brought on record is nothing but a bundles of lies. Police Authorities have conducted tainted investigation. Though nothing is to be recovered from the petitioner but being a law abiding citizen, he is willing to join the investigation as and when called for by the I.O. Prayer for allowing the petitioner has been prayed for.

4. Per contra, while opposing the request for grant of bail, learned State counsel accompanied by learned counsel for the complainant submits that at the time of incident and immediately thereafter when the complaint was lodged by complainant, he was not aware of the identification details of three young boys, who were riding motorcycle and who on gun point had snatched valuables from him (complainant) and his son. Thus, the FIR was registered against unknown

persons. Later, when he made inquiries at his own level, he specifically named the



present petitioner as one of the persons who along with other two had looted him (complainant) and his son of their valuables at gun point, there being nothing on record that the complainant was nursing any grudge, as a consequence of which, petitioner was falsely implicated in the present incident. He submits that in the light of sequence of events brought on record, it is evident that the incident had been committed with pre-mediated mind. Continuing further, learned counsel contends that simply because complainant did not append the bills of the looted valuables alone with complaint cannot be a ground at this stage to doubt his version and to arrive at a conclusion that the entire case is fabricated especially when the incident was captured in the CCTV camera of the complainant. It is further the submission of learned counsel that in the light of role played by the petitioner, who after the incident had taken his share in the looted gold ornaments/valuables of complainant, his (petitioner) custodial interrogation is needed to recover the same. In the light of these submissions, it has been prayed that no case for grant of pre-arrest bail is made out. Prayer for dismissal of the petition has been prayed for.

5. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner, learned counsel for the complainant and learned State counsel, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to



be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

Hon’ble the Supreme Court while deciding the case titled as “**Ms. X Vs. The State of Maharashtra and another**”, (2023 SCC Online SC 279) held as under:-

“11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

In **Prasanta Kumar Sarkars case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-

9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.”*



In **Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another**, 2025 AIR SC 3375, the Hon'ble Supreme Court held that "Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner."

6. Facts leading to registration of the case have already been noticed in para 2 of the order. The petitioner was named by the complainant in his supplementary statement from whom recovery of snatched valuables is still to be effected. As the investigation is at the preliminary stage and same shall be hampered and impeded in case the accused is released on anticipatory bail. Agreeing with the submissions advanced by learned State counsel accompanied by counsel for the complainant, the court is of the opinion that the petitioner has failed to make out a case of exceptional hardship/depravity in his favour entitling him for grant of pre-arrest bail.

Dismissed.

17.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No