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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
207

CRM-M No.66075 of 2025
Date of decision: 03.02.2026

Ashin ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
643	17.11.2023	City Tohana, District Fatehabad	379 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by Public Health Engineering Sub Division No.2, Tohana alleging therein that the work of laying water pipelines in

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the city of Tohana was in progress but in the night of 15.11.2023, an information was received regarding theft of water pipes by some unknown person. After registration of FIR, investigation proceedings were initiated. It was revealed that approximately 50 pipelines laid for drinking water, had been stolen. During the course of investigation, accused Anwar @ Imran @ Gulli was arrested. He was interrogated and suffered disclosure statement admitting his involvement in the crime and further disclosed that the petitioner who was his cousin brother and was involved in installation of water pipes, had told him about lying of water supply pipes in a vacant plot in Tibba Basti, Tohana and had proposed to commit theft of the same and to take them to his work site and also offered to pay him good wages. On being tempted, he along with his nephew Mehboob and the petitioner had committed theft of 50 pipes thereby loading the same in a truck and had received an amount of Rs.1000/- for the same. On his disclosure, the petitioner and co-accused Mehboob were nominated as additional accused. Mehboob was arrested and suffered a similar disclosure statement. The investigation is still underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Fatehabad vide order dated 07.11.2025.

3. It is argued by learned counsel for the petitioner that he has

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been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. The co-accused has already been extended benefit of regular bail. No recovery is to be effected from him. His custodial interrogation is not required. He had no involvement in the theft of pipes. He is ready to join investigation. It is, thus, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Haryana has argued that for conducting proper and thorough investigation in the matter, the custodial interrogation of the petitioner is required. It is also argued that no exceptional ground for grant of pre arrest bail in favour of the petitioner is made out and, therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have committed theft of 50 water pipes belonging to the Public Health Department which was lying in a vacant plot. The allegations make out a prima facie case qua his involvement in the commission of the subject offence. The case is at its nascent stage. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary

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and the same are to be exercised sparingly in exceptional circumstances. 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's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is



dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

03.02.2026
manju

(MANISHA BATRA)
JUDGE

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