

2026:PHHC:050430



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

**CRM-M-67662-2025
Date of decision :01.04.2026**

ROHIT**... Petitioner****Versus****STATE OF HARYANA AND OTHERS****...Respondents****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Ms. Kusum Raj, Advocate for
Mr. A.D.S. Jattana, Advocate
for the petitioner.

Mr. Vipul Sherwal, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J. (ORAL)

1. The prayer in the present petition under Section 528 of the BNSS, 2023 is for issuance of the following directions:-

i. Declaring that the confessional statement attributed to accused Aryan S/o Narendra implicating the petitioner is fabricated and coerced.

ii. To protect the life and liberty of the petitioner.

iii. Directing an independent investigation into the allegations levelled against the petitioner;

2. The proxy counsel for the petitioner has made a request for an adjournment. However, the said prayer cannot be accepted keeping in view the prayer made in the petition and the reply filed by the State.

3. The learned State counsel while referring to the reply dated 03.02.2026 contends that one Aryan was apprehended and he disclosed the name of the petitioner to the effect that it was the petitioner being an Advocate who used to provide legal opinion to the accused so that they could avoid being apprehended by the police for which he received 5% of the share of the loot. He is also an accused in another case bearing FIR No.737 dated 11.10.2025 U/s 121(1), 132, 221, 191(2), 191(3) BNS 2023 P.S. City Hansi. He contends that no Court can declare a disclosure statement as *non est* and the evidentiary value of such a statement would be examined during the course of the trial. He further contends that as the petitioner himself is an accused, he cannot claim that he has been harassed by the Investigating Agency. He however, is at liberty to avail his remedies in accordance with law which he has already availed by way of filing of an anticipatory bail petition which came to be dismissed vide order dated 20.03.2026 passed in CRM-M-72259-2025.

4. I have heard the learned counsel for the State and carefully perused the file.

5. The prayer made by the petitioner is indeed strange. One Aryan was apprehended in FIR No.26 dated 23.02.2025 U/s 3(5), 305 BNS P.S. GRP, Hisar. He disclosed that the petitioner would provide legal opinion to the accused so they could avoid being apprehended by the police. For his services, he received 5% share of the loot. Undoubtedly, the said confession has been made by accused Aryan in police custody. The evidentiary value of such statement would be examined by the Trial Court during the course of the Trial. There is no question of this Court declaring such statement as inadmissible or liable to be quashed at the very outset. Further, the petitioner's custody is

sought as he is an accused in the said FIR. In this situation, the question of providing protection to him does not arise.

6. The relevant extract of the order dated 20.03.2026 passed in CRM-M-72259-2025 is as under:-

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner used to provide legal advice to the other accused to help them avoid apprehension by the police and for providing such service, he charged 5% of the looted amount. The allegations levelled against the petitioner are serious in nature. Admittedly, petitioner is involved in another FIR No.737 dated 11.10.2025, under Sections 121(1), 132, 191 (2&3) and 221 of BNS, 2023 at Police Station City Hansi, District Hansi. As submitted by learned State counsel that despite being given last opportunity, the petitioner failed to join the investigation. In the facts and circumstances of the case, the complicity of the petitioner is prima facie established.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 which reads as under:-

*“Direction for grant of bail to person apprehending arrest:-
Where any person has reason to believe that he may be arrested on an accusation of having committed a nonbailable 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.*

When the High Court or the Court of Sessions 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 subsection (3) of Section 480, as if the bail were granted under that Section.

7. As per 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 also 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.

8. *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.

9. *The investigation is at threshold. There is no dispute that the provisions of anticipatory bail has been incorporated by the Legislature in order to protect the life and liberty of the people.*

However, weighing the facts and circumstances of the present case on the anvil of law settled, this Court is of the opinion that the custodial interrogation of the petitioner is very much essential to bring the truth on record and as such, petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

7. In view of the above, I find no merit in the present petition.

Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

01.04.2026
JITESH

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