

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:010930



209

CRM-M-69019-2025 (O&M)
Date of decision:27.01.2026

Satish

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Suman Beniwal, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking benefit of anticipatory bail in case arising out of FIR No.292 dated 07.08.2025, registered under Section 305 of the BNS (as per impugned order under Section 305(3) read with Section 3(5) of the BNS), at Police Station Sadar Fatehabad, District Fatehabad.

2. The aforementioned FIR was registered on the basis of written complaint submitted by complainant – Jaswant Singh, who was running a gas agency under the name of Jagdambe Bharat Gas Agency, alleging that in the noon of 07.08.2025, two youths had stolen a gas cylinder from his gas agency and had taken the same away on a motorcycle bearing registration No.HR-22-R-9698. The complainant had made inquiries at his own level

and came to know that accused Kaptan Sethi along with another youth was involved in the occurrence. After registration of the FIR, investigation proceedings were initiated and the same are underway. Accused Kaptan Sethi was arrested on 07.08.2025 and suffered disclosure statement, on the basis of which the present petitioner was nominated as an additional accused. Apprehending his arrest, he moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Fatehabad vide order dated 21.11.2025.

3. It is argued by learned counsel for the petitioner that the petitioner has 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. He was not named in the FIR. The stolen gas cylinder has already been recovered from the co-accused. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to effected from him. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the learned State counsel. She has argued that the petitioner has criminal antecedents, he being involved in three other cases. She has further submitted that his custodial interrogation is required for conducting thorough and proper investigation into the matter. It is, therefore, stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner along with the co-accused, namely, Kaptan Sethi, is alleged to have stolen a gas cylinder from the gas agency of the complainant as on 07.08.2025. Recovery of the gas cylinder already

stands effected from the co-accused. Given the nature of the allegations as levelled against the petitioner, who was nominated on the basis of disclosure statement of the co-accused, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. Moreso, pre-trial incarceration should not be a replica of post conviction sentencing. Taking into consideration the above discussed facts, a case is made out for allowing the present petition. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to the condition that the petitioner shall surrender before the Investigating Officer/Arresting Officer within a period of 10 days from today and shall join the investigation. He shall also join investigation as and when required subsequently. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS.

7. It is, however, clarified that nothing stated above shall have any bearing on merits of the case.

8. Pending application(s), if any, shall also stands disposed of.

27.01.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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