



CRM-M-70039 of 2025

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

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CRM-M-70039 of 2025
Date of Decision: 13.02.2026

Anuj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Gagandeep Sanwal, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.193 dated 12.05.2025 registered under Sections 103(1), 61 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25/54/49 of the Arms Act, at Police Station City Gohana, District Sonapat.
2. Brief facts of the present case are that due to some old enmity, the petitioner along with other co-accused, brutally attacked and caused injuries to one Ajay (brother of the complainant), who subsequently succumbed to his injuries. Hence, the present FIR.
3. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. He argued that the petitioner was neither named in the FIR, nor has any concern with the said offence. He

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further argued that the petitioner was not even present at the spot on the alleged date of incident. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by one co-accused Vishal. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He further argued that even if the prosecution story is believed to be true, then also no specific role has been attributed to the petitioner and the allegation of firing is upon other co-accused. Moreover, the petitioner has clean antecedents as he is not involved in any other case and no recovery is to be effected from him. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Sonapat, vide order dated 03.11.2025.

5. On the other hand, learned State counsel, while referring to the status report, has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner was specifically named in the disclosure statement of co-accused Vishal and as per his disclosure statement, the petitioner along with other co-accused hatched criminal

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conspiracy to commit the murder of the deceased and as such, the petitioner has actively participated in the crime. He further argued that involvement of the petitioner is duly established from the call detail records of the accused persons showing that the petitioner was in constant touch with co-accused Vishal at the time of commission of offence. He further argued that custodial interrogation of the petitioner is required as weapon used in the crime is yet to be recovered and also to unearth the *modus operandi*. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature and he is specifically named in the disclosure statement of co-accused Vishal and as per the disclosure statement, the petitioner along with other co-accused hatched criminal conspiracy to commit the murder of the deceased and as such, actively participated in the crime. As per the status report filed by the State, the petitioner was in constant touch with co-accused Vishal, at the time of commission of offence. The custodial interrogation of the petitioner is required to unearth the *modus operandi* and to complete the investigation, which so far indicates involvement of the petitioner in the alleged crime. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged



act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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 information 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."

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9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

13.02.2026
D.Bansal

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