



CRM-M-70113 of 2025

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

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CRM-M-70113 of 2025
Date of Decision: 06.02.2026

Sonu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. D.S. Matya, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, 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.76 dated 29.03.2024 registered under Sections 34 and 407 of the IPC, at Police Station Furrukh Nagar, District Gurugram.

2. Brief facts as per the prosecution case are that the petitioner along with other co-accused misappropriated goods of the complainant. Hence, the present FIR.

3. Learned counsel for the petitioner contends 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 alleged crime. It has also been contended that during investigation, co-accused Asjadullah was arrested and the petitioner has been nominated as an accused only on the

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basis of the disclosure statement made by the said co-accused. 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 has no evidentiary value. No recovery is to be effected from the petitioner. 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 his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Gurugram, vide order dated 21.11.2025.

5. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, she has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. She argued that the petitioner has been specifically named in the disclosure statement of co-accused Asjadullah and as per his disclosure statement, it was the petitioner who along with other co-accused, namely, Vikas Kumar, Jitendra @ Jeetu and Satpal, was instrumental in misappropriating goods of the complainant. She further argued that the petitioner played a common role in loading the stolen goods into the vehicle made Tata Harrier for transporting them. She further submits that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter and to recover the mobile phones and other electronic items. She has further submitted that the



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petitioner is also involved in other cases meaning thereby he is a habitual offender. Hence, she prays for dismissal of the petition.

6. Heard.

7. In the present case, the petitioner was specifically named in the disclosure statement of co-accused Asjadullah and the allegations against him are serious in nature. He is alleged to be the one main perpetrator of crime and played active role in misappropriating goods entrusted of the complainant. Thus, his custodial interrogation is required to uncover the modus operandi and to recover the mobile phones and other electronic items. While considering a plea for anticipatory bail, this Court 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*



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***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."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. 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/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

06.02.2026
D.Bansal

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