



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

CRM-M-72259-2025

Date of decision: 20.03.2026

Rohit

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. M.S. Gill, Advocate for
Mr. A.D.S. Jattana, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.26 dated 23.02.2025, under Sections 305(c) and 3(5) of the BNS, 2023, registered at Police Station GRP Hisar, District GRP Ambala Cantt.

2. Succinctly facts of the case are that the FIR in the present case has been lodged on the statement of complainant, Komal. It was alleged that on 22.02.2025, she was travelling from Bahadurgarh to Hisar in Gorakhdham Express, Coach No.B-4, Seat Nos.39, 42. It was alleged that she had stood up to get off the train on when the train reached near Hisar Railway Station and 5-6 unknown persons came in front of her. Her daughter was also with her. The unknown persons secretly opened her bag and took out a gold set of 2.5 tolas, 1 gold chain of 2.5 totals and 02 gold rings of 5 gram each, a pair of silver anklets and silver toe rings. When the train reached at Hisar Railway Station at 10:40 AM, she found her bag lying down. When, she checked it, her jewellery was found missing and other articles were lying scattered. Request was made to take legal action



against the culprits. On registration of the FIR, investigation commenced. During investigation, name of the petitioner surfaced in the disclosure statement of co-accused. Apprehending arrest, petitioner approached the Court of learned Additional Sessions Judge, Hisar praying for grant of anticipatory bail. However, after hearing counsel for both the sides, the same was declined vide order dated 10.12.2025. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner has not been named in the FIR, however, he has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that the motive behind registration of the present FIR is that earlier a complaint was filed by the petitioner's family before the Chief Minister, Haryana on 24.09.2025 regarding extortion demand of Rs.3,25,000/- by SI Satish Kumar, in CIA Tosham area and as an act of vendetta, the petitioner has been falsely implicated in the present case. He further submits that in pursuance to order dated 24.02.2026, the petitioner was directed to join the investigation however, he has not joined the same as the petitioner was in custody in 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. He has further submitted that the petitioner is ready to join the investigation and hence, there being no *prima facie* case having been made out against the petitioner, he deserves to be granted anticipatory bail.



4. Learned State counsel has however, vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was actively involved in the commission of offence of theft with innocent persons. He has submitted that the petitioner used to provide legal advice to other accused so as to enable them to evade apprehension by the police, and for such service, he used to charge 5% of the share of the looted amount. He has also submitted that despite the last opportunity granted by this Court vide order dated 10.03.2026, the petitioner has not joined investigation. He has submitted that the investigation is at the nascent stage and thus, granting anticipatory bail to the petitioner would scuttle the ongoing investigation. He thus, prayed for dismissal of the petition.

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 non-bailable 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 sub-section (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.

20.03.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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