

CRM-M-73780 of 2025

2026:PHHC:024540



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

CRM-M-73780 of 2025

Date of decision: 17.02.2026

Harun Ali

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Rajesh Duhan, Advocate,
for the petitioner.
Mr. Priyavrat Parashar, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. Instant petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.623 dated 13.10.2025 registered under Sections 191(3), 190, 115(2), 109(1), 333, 351(3), 117(2), 61 of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act, 1959 at Police Station Gharaunda, Karnal, District Karnal.

2. The case of the prosecution is that on 13.10.2025, at about 11:00 a.m, accused Harun (petitioner), Faruk, Sahil, Sharukh, Vicky, Sada and others entered the house of complainant and started abusing him. Although, the matter was initially settled with the intervention of the neighbours, but while leaving, they threatened to kill the complainant. Thereafter, after some time, the aforesaid accused alongwith their other associates again trespassed the house of complainant and attacked him. In the meantime, Sadiq Ali, one of the family members of the complainant, made a call at No.112, on which,

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after 25 minutes police reached at the spot but by that time, the accused persons had fled from the spot.

3. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case. He further submitted that no specific role has been attributed to the petitioner. He further submitted that it is a case of version and cross-version as well as free fighting between both the parties. He further submitted that the petitioner is ready and willing to join the investigation.

4. Learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner by submitting that petitioner along with other co-accused trespassed the house of the complainant and caused injuries to him and his family members. Learned State counsel, while referring to para 7 of the status report, submits that the petitioner is a habitual offender and remained involved in six other following cases: -

<i>Sr. No.</i>	<i>FIR No./date</i>	<i>Under Section(s)</i>	<i>Police Station</i>
1.	227/09.05.2014	379 IPC	Gharaunda, District Karnal
2.	229/09.05.2014	379 IPC	Gharaunda, District Karnal
3.	117/12.04.2016	279, 336 IPC & 11-D of the Prevention of Cruelty to Animals Act	Nissing, District Karnal
4.	539/17.08.2019	174-A IPC	Gharaunda, District Karnal
5.	574/17.08.2019	174-A IPC	Gharaunda, District Karnal
6.	83/10.03.2010	15 of the NDPS Act	Gharaunda, District Karnal

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However, in para 16 of the petition, the petitioner has given reference of only two cases and, therefore, there is an active concealment on the part of the petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. *Prima facie*, petitioner along with other co-accused armed with deadly weapons trespassed the house of the complainant and caused injuries to the complainant and his family members. Petitioner is named in the FIR and the complainant and other injured have specifically stated about the presence and role played by the petitioner in the occurrence. Moreover, petitioner is a habitual offender and is involved in aforementioned six more cases, however, in the petition he has mentioned only two cases. It is a well-settled proposition of law that a person who does not approach the Court with clean hands and plays fraud with the Court, is not entitled for any relief. Reference in this regard can be made to the judgment of the Hon'ble Supreme Court in ***Kusha Duruka v. The State of Odisha, 2024(1) RCR(Criminal) 683.***

7. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma, (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

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8. In ***Bal Krishan Fauzdar v. State of Haryana 2018 (1) RCR Criminal 789***, it is held by a Co-ordinate Bench of this Court in para No. 8 as under: -

“.....It is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.”

9. The allegations levelled against the petitioner are specific, grave and serious in nature. As per the prosecution case, the petitioner in connivance with other co-accused, armed with deadly weapons, trespassed the house of the complainant and caused injuries to the complainant as well as to his family members. The manner in which the offence is alleged to have been committed reflects a pre-meditated and violent conduct, posing a serious threat to public peace and safety.

10. Considering the nature and gravity of the accusations, the role attributed to the petitioner and the fact that the offence involves house trespass, use of deadly weapons and causing injuries, this Court is of the view that custodial interrogation of the petitioner is required for fair and effective investigation. Therefore, grant of anticipatory bail at this stage is likely to impede the course of investigation and may also embolden the petitioner to influence or intimidate the complainant and

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other material witnesses. Accordingly, in these circumstances, the petitioner does not deserve the concession of anticipatory bail.

11. In view of the above, present petition is dismissed.

17.02.2026

R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No