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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-74165-2025 (O&M)
Date of decision: 13.01.2026

Gaurav @ Kali Murgi ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Mohan Singh Chauhan, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), is for grant of anticipatory bail to the petitioner in FIR No. 0054 dated 01.03.2025, registered under Sections 109(1), 190 and 191(3) of Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS') and Section 25 of the Arms Act [Sections 238, 249, 61(2), 111(2), 111(3) and 111(5) of BNS added later on] at Police Station Ambala City, District Ambala.
2. As per the allegations, on 01.03.2025, on receipt of an information from the security incharge of Court premises, Ambala regarding a firing incident having taken place in the Court complex, a Police party reached at the spot and recorded statement of Aman Kumar Sonkar son of Vikram Kumar alleging therein that he was having inimical relations with accused Aman

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Sonkar @ Aman Bond son of Khoob Chand since the year 2018. The said Aman Bond was a habitual offender against whom several criminal cases were registered. In the year 2022, Aman Bond along with his accomplices had used fire arms outside his house with intent to kill him and a case under Section 307 of IPC was registered in this regard. He alleged that on 21.02.2025, he had visited that Court complex for some purpose. The accused Aman Bond reached there along with his accomplices and had extended threat to kill him if he made any deposition in the case registered against him. Then on 01.03.2025 also, the complainant along with his companions Raman and Sachin Verma had reached at the Court complex for the purpose of attending hearing of a criminal case when the accused Aman Bond accompanied by his brother, Shubham @ Kaka, petitioner Gaurav and one unknown person reached there in a black Scorpio car bearing registration No. HR 85J-7070. On seeing him, all of them alighted and opened an attack upon the complainant. He rushed inside the gate of the Court complex to save himself. Then one youth who was with Aman Bond handed over a pistol to him and Aman Bond fired 2-3 round with the fire armes with intent to kill but he had somehow escaped. He also disclosed that the driver of the Scorpio vehicle had stayed inside the vehicle at the time of incident. After registration of the FIR, investigating proceedings have been initiated and are underway. Some of the co-accused have since been arrested. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Ambala, vide order dated 29.12.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No injury had been caused to anyone in the

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alleged incident. No specific role had been attributed to the petitioner. As per the prosecution version, co-accused Shubham had suffered disclosure statement that he had given a pistol to the petitioner, whereas neither any such pistol was used by anyone else in the alleged incident, except co-accused Aman Sonkar @ Bond, nor the same was given to the petitioner. The alleged pistol has already been recovered from the co-accused. In the CCTV footage, the petitioner is just found standing at the spot. In fact, he was present there and had run away on noticing the altercation. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. He is on bail in another case registered against him. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of anticipatory bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that there are serious and specific allegations against the petitioner, who was named in the FIR and was present at the spot along with co-accused at the time of commission of subject offences in the Scorpio vehicle. He does not have clean antecedents. For conducting thorough investigation in the matter, his custodial interrogation is must. The prayer of co-accused Shiva for grant of anticipatory bail has also been declined. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner is alleged to have formed a membership of unlawful assembly with the co-accused and in prosecution of common object thereof, is further alleged to have opened an attack upon the complainant and to have fired shots with pistol with an intent to kill him. He is alleged to be

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present along with the co-accused in the car in which they had arrived at the spot on the day of incident. The involvement of petitioner in the commission of crime is *prima facie* established from the allegations in the FIR. His custodial interrogation is required for conducting thorough and proper investigation in the matter. In case his custodial interrogation is denied to the investigating agency, the same will leave many glaring loopholes and gaps adversely affecting the investigation. The powers under Section 482 of BNSS are extraordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

13.01.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No