



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

103

CRM-M-38612-2025

Date of decision: 21.07.2025

MOHAMMAD RAHIL KHAN

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Salman Ahmed, Advocate  
for the petitioner.

Mr. Sushil Bhardwaj, Addl. AG, Haryana.

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SANDEEP MOUDGIL, J.(ORAL)

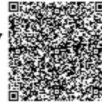
1. Prayer

This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.390 dated 06.08.2022 under Sections 406, 420, 506, 34 of IPC, registered at Police Station Hodal, District Palwal.

2. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case as he has not committed any crime as alleged by the prosecution. Learned counsel submits that the complainant Dalip Kumar alleges that he has been cheated by some persons who called on his mobile number in pretext to sell him gold bricks in lieu of which he gave Rs.1,00,000/- but later it was found to be fake gold brick. The police party apprehended one Asgar @ Kala on the complaint filed by Dalip Kumar and the present petitioner was named in the



FIR only on the basis of disclosure statement made by him and nothing has been recovered from the petitioner.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

**On behalf of the State**

Mr. Sushil Bhardwaj, Addl. AG, Haryana appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner has actively participated in incident in question as the main accused Asgar @ Kala has disclosed the name of the petitioner in his statement as an accomplice to the offence and thus warrants the need for custodial interrogation.

3. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties it is found that no recovery has been effected from the petitioner; the name of the petitioner was nominated in the instant FIR on the basis of disclosure statement of co-accused, namely, Asgar @ Kala and State has failed to make out the case against the petitioner as to why his custodial interrogation is required and the name of the petitioner is disclosed. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.



4. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

*'When the High Court or the Court of Session 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.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**21.07.2025**

*Nisha Yadav*

*Whether reasoned/speaking?*

*Yes/No*

*Whether reportable?*

*Yes/No*