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

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**CRM-M-12779-2025 (O&M)
Date of decision: 06.03.2025**

Yogender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Birinder Pal, Advocate and
Ms. R. Priya, Advocate
for the petitioner.

Mr. Apoorv Garg, Senior 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. 99 dated 10.02.2025, registered under Sections 306 and 3(5) of Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar, Gurugram.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the allegations that the petitioner, who was working as a helper in M/s Triumph Auto Parts Distribution, had connived with co-accused and had stolen spare parts worth Rs. 25 Lakhs belonging to the company from its warehouse. This fact came into light during audit of spare parts on 16.10.2024. The petitioner and co-accused left the job immediately thereafter. Investigation proceedings have been initiated and the same are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the

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Court of learned Additional Sessions Judge, Gurugram but the same had been dismissed, vide order dated 25.02.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was simply working as a labourer and his job was to shift the materials from one place to another as per orders of the Manager/Administrator of the company. No proper enquiry had been conducted by the complainant before lodging of the FIR against him. He is ready to join the investigation. Rather, he has already joined the investigation as per the orders passed by the learned Additional Sessions Judge, Gurugram during the pendency of bail application filed by him. No recovery is to be effected from him. His custodial interrogation is not required. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted the benefit of anticipatory bail.

4. *Per contra*, learned Senior Deputy Advocate General, Haryana, who has advance notice of the petition and is ready to argue the matter, has submitted that the allegations against the petitioner are quite serious in nature. For conducting proper investigation in the matter as well as for effecting recovery of stolen articles, his custodial interrogation is required. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner, who was working as a labourer/helper in the company of the complainant, has connived with co-accused and is alleged to have stolen/taken away spare parts worth Rs. 25 Lakhs from the premises of its warehouse. The fact that he had immediately left his job is *prima facie*

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indicative of his involvement in the subject crime. There are serious and specific allegations against him. Even otherwise, no sparing or extraordinary circumstance has been made out to grant him concession of anticipatory bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, 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. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

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.

06.03.2025

Wasim Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*