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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
(218-2)

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Date of decision: 29.09.2025

Ramesh and anr. .... Petitioners

V/s

State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Rahul Jaswal, Advocate, for the petitioners.

Mr. Viney Phogat, DAG, Haryana.

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**JASJIT SINGH BEDI, J. (Oral)**

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioners in case FIR No.121 dated 16.06.2025 under Sections 25 of the Arms Act, 109(1), 115, 190, 191(3), 329(3), 351(3) of BNS, 2023 (later on added Sections 121(1), 132, 212(A), 221 of BNS, 2023) registered at Police Station Sanoli, District Panipat.

2. The present FIR came to be registered at the instance of Narendra and reads as under:-

*Written complaint, SHO sahib, police station Sanauli, Panipat.  
Sir, I request that I am Narendra son of Rajpal resident of Risalu district Panipat. My father has three brothers. We have 15 acres of land in our village Rishpur. This land is in the name of my father Rajpal, uncle Ramesh and uncle Dharambir. We*

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*have been in possession of this land since 2011 and we have been continuously sowing this land. We had planted cumin seeds in our field. Today when we were working in our field, Ramesh son of Mangali, Ramratan son of Mangali, Gurdeep son of Ramesh, Deepak son of Ramesh, Rajesh wife of Ramesh, Amit son of Gyasu, residents of Moi UP, along with 20-25 people, including a woman, came to our field with their tractor, white Scorpio and several motorcycles with weapons and started digging our land. When we refused, they asked us to go away or they would kill us, they beat us up and started digging our land. We immediately informed the police and the police went to the spot, who did not stop the tractor even on the request of the police and continued to irrigate the fields. The tractor was being driven by Gurdeep S/O Ramesh and he was carrying a pistol in his hand. Many other boys were masked, out of which two-three boys had weapons in their hands and all the others had sticks and rods in their hands. They beat us up and filed several FIRs against us and the police with the intention of killing us. Many people gathered and the police force also arrived. All the above accused fled from the spot waving their weapons, on tractors, vehicles and motorcycles, threatening to kill us. Legal action should be taken against them. I will present the injuries sustained in this fight later.  
Applicant-Narendra Malik.*

3. The learned counsel for the petitioners contends that the alleged occurrence took place in the State of U.P. and not Haryana. Therefore, the State of Haryana had no jurisdiction to register the FIR. He is in the process of filing an appropriate writ petition in that regard. It is a case of no injury having been caused to the complainant party or the police personnel present

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at the spot. As the petitioners are ready and willing to join the investigation, they are entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, while referring to the reply dated 18.09.2025 which is already on record, contends that the video footage and photographs were taken into police possession as evidence from certain police personnel present at the spot. On examination, it was found that the petitioner No.1-Ramesh is seen talking with the SHO, P.S. Sanoli and the complainant party whereas 15-20 young boys were seen standing at some distance alongwith *lathis*, *dandas*, pistol and rifles. Upon Ramesh (petitioner No.1) calling out to them, the young boys started firing upon the complainant party. One of the boys was Gurdeep son of Ramesh who was seen trying to fire from his pistol but it did not fire. A juvenile accused son of Ram Rattan is seen picking sand stones and seen throwing them towards the police and complainant party. Accused-Junaid son of Riyaz is seen firing from his country-made pistol whereas other accused are with muffled faces. Rajesh wife of Ramesh and Sonu son of Prem were arrested and admitted having committed the offences in question. One Nirmala was also arrested. Junaid @ Baba and Uvesh @ Kala were arrested. Junaid and Uvesh got recovered a motorcycle. Junaid @ Baba also got recovered two .315 bore country-made pistols and 08 live cartridges whereas accused Uvesh got recovered two .315 bore country-made pistols with 04 live cartridges. Uvesh also got recovered a Scorpio Car bearing No.HR-79-4040. Accused Usman and Asif were also arrested and got

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recovered *dandas*. He contends that at the instance of the petitioners, their family members/co-accused who were armed with fire-arms, *lathis* and *dandas* and fired at the police party and the complainant-party. The recovery of empty cartridge-cases has been effected from the spot. As the offences stand *prima facie* established and the petitioners are habitual offenders with petitioner No.1-Ramesh having been involved in another FIR No. 203 dated 24.04.2012 under Sections 302, 201 IPC, Police Station Kairana, District Shamli and petitioner No.2-Ram Rattan having involved in two other cases bearing FIR No.203 dated 24.04.2012 under Sections 302, 201 IPC, Police Station Kairana, District Shamli and FIR No.383 dated 20.07.2018 under Sections 60/72 of Excise Act, Police Station Kairana, District Shamli, their custodial interrogation is certainly necessary and therefore, they are not entitled to the concession of anticipatory bail. Hence, the present petition is liable to be dismissed.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

*“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already*



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*been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*

*Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the***

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***accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”***

7. The question of territorial jurisdiction shall be examined by the appropriate Court when a writ petition is filed in that regard. A perusal of the FIR and the investigation conducted so far would reveal that the accused persons attempted to trespass into the land of the complainant party. On being confronted by the complainant party as also by the police, the co-accused of the petitioners fired upon the complainant party and the police officials. The entire occurrence has been captured on a mobile phone camera and the footage has been recovered during the course of the investigation. The recovery of weapons has also been effected from some of the co-accused who acted at the behest of the petitioners. Therefore, the offences stand *prima facie* established.. The custodial interrogation of the petitioners is certainly required. Therefore, they are not entitled to the concession of anticipatory bail.

8. In view of the above discussion, I find no merit in the present petition and the same stands dismissed.

9. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial

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Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

10. The pending application(s), if any, shall stand disposed of accordingly.

**September 29, 2025**  
sukhpreet

**( JASJIT SINGH BEDI )**  
**JUDGE**

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