



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

239

**CRM-M-19225-2025
Date of decision: 21.04.2025**

Anurag Yadav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Gupta, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
244	27.11.2024	Chhansa, Distt. Faridabad	316(2) of BNS, 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Status report dated 18.04.2025 filed by State counsel is taken on record.
3. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
4. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

"12. First Information contents: 995-5P11 Dated 09-10-24 Adarsh Police Station Chhansa District Faridabad APCO INFRATECH PVT. LTD. CIN: US1432UP1992PTC013969 Dated 09.10.2024 To. Station House Officer Sir. Police Station-Chhansa District Ballabgarh (Haryana) Subject: For DND Faridabad Ballabgarh Bypass Link Expressway for Delhi-Mumbai Expressway for Jewar International Airport for construction of Greenfield connectivity in the states of Haryana and Uttar Pradesh regarding theft of company's material from the construction site. Sir, under the above subject it is to inform that M/s Apco Infotech Pvt. Ltd. has been appointed as authorized contractor by National Highways Authority of India through Ministry of Road Transport and Highways, Government of India for construction of greenfield connectivity to Jewar International Airport from



DND Faridabad Ballabgarh Bypass KMP Link Expressway to Delhi Mumbai Expressway on Hybrid Annual Mode in the state of Haryana and Uttar Pradesh under Bharat Mala Project. This project is time bound and monitored by PMO office under Gati Shakti Project, Sir, the contractor for the construction of structure by the company was Anurag Yadav (Krishna Construction) resident of Mohalla Kabirganj. Bhogaon, District Mainpuri Pin Number 205262 (Uttar Pradesh) who received material from the company on 19.09.2023, 07.10.2023 and 20.02.2024 for the construction work at work site CH-800, Mohana village. On 03.10.2024 at around 11:00 pm, without completing work on the work site, with all material absconded without intimation regarding material to Site-Incharge, whereas he was required to inform. Contractor, Anurag Yadav, cost of stolen material Rs.3174077/- Details are attached. Therefore, it is requested to you that please investigate the contractor Anurag Yadav as soon as possible and take legal action by lodging an FIR so that the company can be saved from loss in future and the most ambitious project of the Government of India can be completed on time.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“6. That the present petitioner has stolen/taken away 535 shuttering plates from the store of the complainant company without informing the concerned authority and out of which, he returned only 150 plates and deliberately withheld 385 plates. There is documentary proof of the same on record. His custodial interrogation is essential to recover the 385 plates and thus, he is required to be arrested. Moreover, the present petitioner has not cooperated in the investigation and he has not deliberately got recovered 385 plates. Therefore, he may not be granted concession of anticipatory bail at this stage.”

REASONING:

8. Annexure R-2 reflects that petitioner disclosed qua withholding of iron plates, as company is not paying his due and also offered to help in recovery qua the same, which made him entitled for bail. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch



prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.



15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

21.04.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.