



CRM-M-35643-2025

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

**CRM-M-35643-2025
Date of decision: 18.08.2025**

VISHAL BANSAL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.D.V.Dhindsa, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
85	16.05.2025	Kalka, District Panchkula, Haryana	305/331(3) 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. Per paragraph 26 of the bail application, the petitioner has the following criminal antecedents.

Sr. No.	FIR No.	Date/Year	Offenses	Police Station
1.	71	2021	120-B/420/468/511 IPC	Kalka, District Panchkula

3. The facts and allegations are being taken from the status report dated 29.07.2025 filed by the State, which reads as follows:

“That the brief facts of the present case are that a complaint made by Sanjeev Mangla, wherein, he alleged that they have an ancestral house No. 623 situated in main Bazaar Kalka, which has shops on the ground floor and a residence on a first floor. They have been living in the said house for many years. The house was locked. On 16.05.2025 and about 08:00 A.M., Narender a neighbor telephonically informed that thieves have entered into their house and asked him to come and check their house. After some time, they reached at the spot and so that the lock on the main door of their house intact. When they opened the lock, saw that their old stuff kept in the house was lying scattered and the locks of the cub-board and trunk were broken.



When he checked, silver coins and utensils at the times of his father were missing. The thieves entered their house through the window and committed theft. They have not yet checked the house thoroughly and will provide a list of stolen articles later-on. Upon these allegations present FIR was registered (Annexure P-1).”

4. Counsel for the petitioner submits that petitioner is 27 years of age and he has been falsely implicated in the present FIR. The petitioner's counsel prays for bail by imposing any stringent conditions. In case, he repeats the offence or commit any offence, where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers reply.

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

“10. That in compliance of the above mentioned orders present petitioner was joined into the investigation on 25.07.2025 and therefore, he was released. Accordingly. However, he was not co-operated in the investigation and did not answer the query of the Investigating Officer. Further it is submitted that present petitioner was got recovered the 2 utensils (patila), 1 Kadhai, 1 steal glass, 2 bowl (Katori), 3 plates (Thali) and same were taken into police possession vide separate memo after identification by the complainant.

12. That the role of the present petitioner is that he has deliberately/intentionally bought the theft articles despite the knowledge of being theft item. That the custodial interrogation of the petitioner is required for proper investigation and to elucidate the present case into discover the whereabouts of the theft item.”

REASONING:

7. Petitioner is 27 years of age and he has not been named in the present FIR as it was registered against unknown persons. Allegations are of theft of silver coins and utensils. 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.

8. 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.



9. 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.

10. 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)	

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

12. 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.

13. 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.

14. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

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

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

17. 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.

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

18.08.2025
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(ANOOP CHITKARA)
JUDGE

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