



CRM-M-29029-2025

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

140

CRM-M-29029-2025

Date of decision:23.05.2025

Azad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

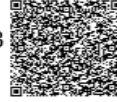
Present: Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

Mr. Apporv Garg, Sr. DAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 223 dated 03.09.2024 registered under Sections 140 (4), 3 (5), 115 (1), 351 of BNS, 2023 and Section 109 (1) of BNS, 2023 added later on, registered at Police Station Udhyog Vihar, District Gurugram.

2. As per the allegations, on 03.09.2024, Victim Satpal Yadav who used to ply an autorickshaw, had gone to Village Dundahera along with his auto-rickshaw. He did not return back. His son Nitesh Yadav submitted a complaint alleging that he had come to know that accused-Lalit, the present petitioner, co-accused Shivam and Arvind had abducted his father. Initially, a case under Section 140(4) read with Section 3 (5) of BNS was registered. Investigation proceedings were initiated. During the course of investigation, the accused Lalit and Shivam were joined into investigation on 04.09.2024.

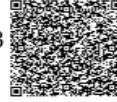


They were formally arrested. On interrogation accused-Lalit suffered disclosure statement admitting his involvement in crime and disclosed that he along with co-accused had taken the victim to his village wherein he had been assaulted. The victim had already been recovered by Bagpat Police on 03.09.2024. He was medically examined. Offences under Sections 115(1), 351 and 109 of BNS were added. The petitioner moved an application for pre-arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 01.05.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The co-accused has been extended benefit of regular bail. His complicity in the crime does not stand established. No case for commission of offence punishable under Section 109 of BNS has been made out. In fact, only simple injuries had been sustained by the victim. He is ready to join investigation. His custodial interrogation is not required. With these submissions, it is stressed that he deserves to be given benefit of pre-arrest bail.

4. Per contra, learned DAG, Haryana has argued that the victim had sustained serious injuries at the hands of the petitioner and Co-accused. One of these injuries has been opined to be dangerous to life by a Board of Doctors. The custodial interrogation of the petitioner is must for conducting thorough investigation in the matter. No exceptional and extra-ordinary circumstance for grant of pre-arrest bail is made out. Hence, it is argued that the petition does not deserves to be allowed.

5. Learned counsel for the parties have been heard at considerable length.



6. The petitioner along with the co-accused is alleged to have abducted the victim, to have taken him to a village in District Bagpat, U.P and is further alleged to have caused injuries to him. One of such injuries had been declared to be dangerous to life. The allegations against him are grave in nature. It is well settled proposition of law that the benefit of pre-arrest bail should be granted to an accused in exceptional and extraordinary circumstances. However, no such circumstance has been made out in this case. The co-accused have been extended benefit of regular bail and not of anticipatory bail. For the purpose of conducting thorough investigation in the matter, custodial investigation of the petitioner is must. Keeping in view the above discussed, facts but without meaning to make any opinion on the merits of the case lest the same prejudices the case of either of the parties, this court is of the opinion that no case for grant of pre-arrest bail is made out. Accordingly, the petition is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23.05.2025

poonam

1. <i>Whether speaking/ reasoned</i>	:	<i>Yes / No</i>
2. <i>Whether reportable</i>	:	<i>Yes / No</i>