

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:121235



106

CRM-M-49706-2025 (O&M)

Date of decision:05.09.2025

Amit

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Apoorv Garg, Additional Advocate General, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.0251, dated 30.07.2025, under Section 309(4) of the BNS, registered at Police Station Tosham, District Bhiwani.

2. The aforementioned FIR was registered on the written complaint filed by complainant – Vikas alleging therein that on 30.07.2025, his vehicle bearing registration No.HR-61-E-3577, which was driven by his driver Sohail was going from Tosham to Bhiwani and it was snatched by four unknown persons, who fled towards Hansi. He also informed that on coming to know about the incident, he had started tracking the vehicle through G.P.S. and had got it stopped. A complaint was lodged by him by making a call to the police. Two persons were found in his vehicle who had been apprehended and arrested by the police. He prayed for taking action against the remaining two. After registration of FIR, investigation

proceedings were initiated. The accused Rambir and Vikram, who were apprehended were interrogated and they suffered disclosure statements admitting their involvement in the crime and also disclosed the names of co-accused as Amit (present petitioner) and Rajesh. Both of them were nominated as such. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which has been dismissed by the Court of learned Additional Sessions Judge, Bhiwani vide order dated 25.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statements of the co-accused. He was not named in the FIR. No recovery is to be effected from him as the vehicle in question already stands recovered. His custodial interrogation is not required. He is ready to join investigation. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by him that there are serious allegations against the petitioner. For conducting thorough and proper investigation into the matter, his custodial interrogation is must. No exceptional circumstance for grant of pre-arrest bail is made out. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner along with the co-accused robbed the driver of the complainant of his vehicle bearing registration No.HR-61-E-3577. The

location of the vehicle could be traced because the G.P.S. was installed in the same. The said vehicle had been traced and two of the robbers had been apprehended by them. They named the present petitioner and one co-accused Rajesh. The allegations against the petitioner are serious in nature as roadside robbery had been committed by him along with the co-accused. The case is at its nascent stage. For conducting proper investigation, his custodial interrogation is must. Even otherwise, the petitioner has failed to make out any case for showing that there is any exceptional or extraordinary circumstance making out a case for grant of pre-arrest bail in his favour. It is well settled that anticipatory bail an accused can be granted in exceptional circumstances only as a person couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge. In case custodial interrogation of the petitioner is denied to the Investigating Agency, that shall leave many glaring loopholes and gaps, thereby adversely effecting the investigation.

8. In view of the above discussed facts and circumstances, this Court is not inclined to grant concession of pre-arrest bail to the petitioner.

9. Accordingly, the petition is dismissed.

10. It is, however, clarified that nothing stated above shall have any bearing on merits of the case.

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

(MANISHA BATRA)
JUDGE

05.09.2025

harjeet

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