



104

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

**CRM-M No.23516 of 2025
Date of Decision: 02.05.2025**

Armaan @ Baba**..... Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.10, dated 18.02.2025, under Sections 331(4), 307, 3(5) of Bharatiya Nyaya Sanhita, 2023 in which offences under Sections 317(2), 309(4) of BNS, 2023 were added later on, registered at Police Station Division No.5, District Police Commissionerate, Jalandhar.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, Jaswant Singh. It was alleged that on 17.02.2025, he had withdrawn some amount for the business of his shop. Thereafter he went to sleep after having the meal. His daughter-in-law along with her daughter also went to sleep on the first floor. At about 10:40 P.M., 04 persons duly armed with weapons



entered the gate of their house, which was lying open. One of the persons pointed out his *dater* towards him. He was asked to sit down and his phone was snatched. They threatened them that they will be killed and demanded money which was lying in the house. Being afraid, his wife handed over the keys of Almirah to them. They snatched phones of his wife and grand-daughters. They committed robbery in the house. It was alleged that CCTV cameras are also installed in the house and footage of the same would be provided to the police. The request was made to take the legal action against them. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Jalandhar praying for the grant of anticipatory bail. However after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge declined the prayer made by the petitioner vide his order dated 09.04.2025. Hence being aggrieved the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner is neither named in the FIR nor there is any overt act alleged against him, thus he has been falsely and frivolously implicated in the present case. He has submitted that during the investigation, Sahil @ Sahil Bhardwaj and Vinay Kumar were arrested by the police on 21.02.2025 and it is on their disclosure, the petitioner has been arrayed as



an accused in the present case. However the disclosure statement made by the co-accused is not an admissible evidence and thus, implication of the petitioner in the present case is totally unsustainable in the eyes of law. He has submitted that cousin of the petitioner, namely, Karan is an accused in the present FIR with whom the petitioner already have a dispute and thus, with the *mala fide* intention, the petitioner has been implicated in the present case. He has submitted that there were no specific allegations made by the complainant regarding the amount robbed from the house, however later on a story has been concocted of the robbery of Rs.5,50,000/- from his house. He has submitted that no verification of the CCTV footage has been done by the Investigating Agencies and thus, the petitioner has been roped in the present case without there being any evidence against him. He has submitted that the petitioner is ready to join the investigation and thus, he deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Tarun Aggarwal, Addl. A.G., Punjab appears and accepts notice on behalf of the respondent-State. *Per contra*, he has opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner is prima facie established in the present case. He has submitted that the investigation is at an initial stage and custodial interrogation of the petitioner is required in the present case and thus, no ground for the grant of anticipatory bail to the petitioner is made out and thus the present



petition deserves to be dismissed.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that there are allegations of theft and robbery in the house of the complainant as alleged in the FIR. The robbery pertains to an amount of Rs.5,50,000/-. The CCTV footages have also been collected by the Investigating Agencies while committing the present offence. As per the case of prosecution, the petitioner along with co-accused, namely, Sahil @ Sahil Bhardwaj, Vinay Kumar and Karan had committed the robbery in the house of complainant. CCTV footage has prima facie established the complicity of the accused/petitioner. The articles robbed from the house of the complainant are yet to be recovered. The allegations made are grievous in nature. The investigation is at threshold. The recoveries are yet to be made.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such*



directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632***, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

"31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot



be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-



“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.*”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. The articles robbed from the house of the complainant are yet to be recovered. The allegations made are grievous in nature. The recoveries are yet to be made. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.



12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

02.05.2025

rittu

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

(RAJESH BHARDWAJ)
JUDGE