



IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(210)

CRM-M-45493-2025 (O&M)  
Date of Decision: 16.10.2025

ANIL KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Sahil Loura, Advocate  
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

Ms. Simmy Advocate for  
Mr. Shubham Mirok, Advocate for the complainant.

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**KIRTI SINGH, J. (ORAL)**

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner, in case FIR No.98 dated 18.5.2025, under Sections 115(2), 74, 75, 76, 85, 190, 191(1), 351(2) of BNS, registered at Police Station Nathusari Chopta, District Sirsa.

2. Vide order dated 21.08.2025, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

*“Prayer in the present petition filed under Section 482 of BNSS, is for grant of anticipatory bail to the petitioner, in case FIR No.98 dated 18.5.2025, under Sections 115(2), 74, 75, 76, 85, 190, 191(1), 351(2) of BNS, registered at Police Station Nathusari Chopta, District Sirsa.*

*Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the instant case. In fact, the*



*petitioner was not even named in the FIR, and neither has any specific allegations or overt act been attributed to him. Even if, arguendo, the involvement of the petitioner in the present FIR is considered, the only allegation levelled qua him is of driving the vehicle. It is further submitted that one of the main accused namely Kallu, to whom specific allegations had been attributed, was granted the concession of regular bail by learned Addl. Sessions Judge; Fast Track Special Court, Sirsa, vide order dated 11.08.2025 (Annexure P-2).*

*Notice of motion.*

*Ms. Saumya Ahluwalia, Sr. DAG Haryana waives service of notice on behalf of respondent-State and prays for some time to file reply. It is submitted that since serious allegations have been levelled against the petitioner, therefore, he is not entitled to the concession of anticipatory bail.*

*One of the main pillars of jurisprudence on which the criminal justice system is based, is the presumption of innocence until proven guilty. If seen in that context, the provision of anticipatory bail, in its essence, can be understood as a safeguard to prevent the curtailment of liberty of an individual, a cherished constitutional guarantee, in circumstances where arrest may be unwarranted, arbitrary, or mala fide. This discretionary power, trite to say, must be exercised judiciously, based on considerations, which include but are not limited to, the nature and gravity of the allegations, the antecedents of the accused, the possibility of the fleeing from justice, and the likelihood of the evidence being tampered with and witnesses being influenced.*

*Reverting to the case in hand, pertinently, the petitioner was not named in the FIR, and prima facie no allegation with respect to the commission of any offence has been attributed to him. Besides, one of the co-accused has already been released on regular bail by learned Sessions Court, Sirsa. All the contentions made herein are disputed questions of facts, veracity of which shall be determined during the course of trial.*

*In view of the above, the petitioner is directed to join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023;-*



(1) *That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*

(2) *That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the case so as to dissuade him from disclosing such facts to Court or to any police officer.*

(3) *That the petitioner shall not leave India without prior permission of the Court.*

*Needless to mention that the investigating agency/officer shall continue with the investigation of the case in usual manner.*

*Adjourned to 04.09.2025.*

*It is made clear that nothing contained hereinabove shall have any bearings on the merits of the case, lest it may prejudice the trial.”*

3. Learned State counsel on instructions from the investigating officer concerned, submits that in compliance of order dated 21.08.2025, the petitioner has joined the investigation and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 21.08.2025 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).

7. The accused-petitioner(s) 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 or her from disclosing such facts to the Court or to any police officer.

8. The accused-petitioner(s) shall not leave India without prior permission of the Court.

9. The accused-petitioner(s) shall join the investigation as and when called by the police.

10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

11. Pending miscellaneous application(s), if any, also stands disposed of.

**(KIRTI SINGH)**  
**JUDGE**

**October 16, 2025**  
Ithlesh

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