IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12469-2025
Date of Decision:27.03.2025

Ajay **...Petitioner**

Vs.

State of Haryana **...Respondent**

CORAM:- HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Virat Rana, Advocate for the petitioner.
Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J. *(Oral)*

Anticipatory bail under section 482 BNSS			
FIR No.	**Dated**	**Police Station**	**Sections**
465	15.12.2024	Civil Lines, Hisar, District Hisar	305, 317(2) BNS and 25(1-b)(a) and 54/59 of the Arms Act.

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. As per paragraph no. 5 of the bail application and paragraph no. 10 of reply, the accused has the following criminal antecedents:

FIR/Dated	Under Sections	Police Station	Status
100/2018	380 IPC	Jafar Pur Kalan, Delhi.	Pending trial
490/2023	379 IPC	Chandni Bagh, Panipat.	Pending trial
491/2023	379 IPC	Chandni Bagh, Panipat.	Pending trial
430/07.12.2024	305 BNS	Urban Estate, Rohtak	On anticipatory bail

3. The facts and allegations are being taken from the reply filed by

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the State, which reads as follows:

> *“" It is submitted by the complainant that yesterday on 14.12.2024 he parked his vehicle No.HR-20AU-2120 make Scorpio, model 2021, colour black, engine No. XMM4K16166 and chasis No. MAITA2XM2M2K40923. I had parked my vehicle in 17 B.R. Colony, when I checked my vehicle on 15.12.2024 at 07:00 A.M., I could not find the same and I have been searching for the same on my own till now, but, the same was not found. Some unknown person has stolen it and taken it away. My vehicle be recovered and legal action be taken against the accused person who have stolen the same. My Aadhar Card, voter card, ATM and vehicle documents are inside the car.*
>
> *4. That on the basis of aforesaid facts prima facie offence under section 305 of BNS was found to be attracted in the present case and accordingly after registration of FIR No.465 dated 15.12.2024 under section 305 of BNS at P.S. Civil Lines, Hisar the investigation of the case was carried out by the investigating officer. During investigation the place of occurrence was inspected and rough site plan of place of occurrence was prepared and statements of witness were recorded.*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that in compliance of the order dated 05.03.2025, petitioner joined the investigation and alleged vehicle has already been recovered.

5 The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

> *6. That it is pertinent to mention here that in disclosure statement of the accused Rohit and Deshraj Deshu the petitioner/accused is the one who in connivance with accused Rohit and Deshraj Deshu committed the theft of vehicle i.e. Scorpio bearing registration No. HR-20AU-2120 and thereafter sold the same to co-accused*

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Jitender @ Jittu, Sadeek and Vicky in furtherance of Rs.1,50,000/- and petitioner/accused received an amount of Rs.50,000/- as his share from the aforesaid amount.

REASONING

7. Petitioner has already joined into investigation and made the compliance of order dated 05.03.2025 and has undertaken to follow the conditions, and alleged vehicle has already been recovered, as such no ground is made out to deny bail to the petitioner. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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

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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.

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13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. 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.

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

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

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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.

(ANOOP CHITKARA)
JUDGE

27.03.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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