



CRM-M-39880-2025

-1-

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

106

CRM-M-39880-2025

Date of decision: 28th July, 2025

Shahjad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Shauhrad Singh, Advocate for the petitioner.

Mr. Apoorv Garg, Additional Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present 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. 616 dated 21.11.2018 registered under Sections 407 and 34 of IPC at Police Station Dharuhera, District Rewari, Haryana.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant Bhupesh Kumar alleging that he was running a spare-parts shop. The petitioner and the co-accused Imran were working in the same. They used to steal the spare parts kept in the shop during night time whenever they got the chance and accused Mahender used to help them in taking away the stolen spare-parts in his auto-rickshaw. After registration of FIR, investigation proceedings were initiated. The accused Imran and Mahender were arrested and were subsequently released on bail.



Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which was dismissed by the Court of learned Additional Sessions Judge, Rewari vide order dated 07.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on vague allegations. In fact, the complainant was holding a grudge against him due to some dispute qua payment of amount of salary and falsely implicated him. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. It is, therefore, argued that the petition deserves to be allowed.

4. Learned State counsel has advance notice of the petition and is ready to argue the matter. He has placed on record a copy of order dated 05.07.2025 passed by the learned trial Court, as per which, warrant of arrest has been issued against the petitioner for 28.07.2025. It is argued that there are serious allegations against the petitioner. He has been avoiding his apprehension since the date of registration of FIR. His custodial interrogation is required for effecting recovery of the stolen property as well as for proper investigation of the matter. No extraordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. It is, therefore, argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have stolen spare-parts from the shop of the complainant way back in the year



2018. Though, two of the co-accused had been arrested and had been extended benefit of bail but the petitioner had been avoiding his apprehension till date so much so that a warrant of arrest have been also issued against him. For effecting recovery of the stolen property as well as for conducting proper and deeper probe into the matter, custodial interrogation of the petitioner is required. Given the nature of the allegations, this Court is of the opinion that no exceptional and extraordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. Even otherwise, it is a well settled proposition of law that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. In view of the above discussed facts, I am of the considered opinion that the petitioner does not deserve to be extended benefit of pre-arrest bail. Accordingly, the petition stands dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

28th July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*