



CRM-M-7116-2026

1

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

207

**CRM-M-7116-2026
Decided on: 11.05.2026**

Pawan Kumar**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Deepanshu Nagra, Advocate for
Mr. V.B. Godara, Advocate
for the petitioner

Mr. Amish Sharma, AAG Haryana

SANJAY VASHISTH, J. (ORAL)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of FIR No.175 dated 24.06.2025, under Section 42-A of Prisoners Act, at Police Station Sadar Ballabgarh, District Faridabad.

2. On 06.02.2026, following order was passed:

“(i) xx xx xx xx

(ii) *Present FIR has been got registered at the instance of Deputy Superintendent District Jail, Faridabad, who sent a written complaint to the SHO Police Station Sadar Ballabgarh, Faridabad, that as per the information report received on 24.06.2025, it was found that undertrial prisoner Lalit alias Lalti, who is confined in Barrack No.10-B was using a mobile phone. Thereupon, Deputy Superintendent, along with warder Boota Singh and cycle head warder Rajender, conducted a sudden search of undertrial prisoner, which led to the recovery of one mobile phone (of make Lava, without any sim) and the charger*



CRM-M-7116-2026

2

inside a Rajshri Brand Match Box from the right pocket of the black coloured lower worn by prisoner Lalit alias Lalti.

(iii) On being interrogated, he disclosed that said mobile has been given to him by co-prisoner Amit alias Salli, from whom also, during search, another mobile phone (make Redmi Note 7 pro, IMEI (Sim slot 1) 864324042492719, IMEI (SIM slot 2) 864324042492727 blue colour, without sim card) was recovered. On interrogation, coprisoner Amit disclosed that both these mobile were thrown inside jail from the outside by 'balling' (throwing over the wall).

(iv) After registration of the case and investigation thereon, undertrial prisoner – Lalit alias Lalti disclosed that he had brought the said mobile phone from co-accused Amit alias Salli for an amount of Rs.1,20,000/- along with sim, and the said amount was given to him by his another friend namely Pawan, i.e. petitioner herein. Co-accused Lalit alias Lalti also confessed that he used to have talks with Pawan from inside the jail. Thus, counsel submits that recovery of the mobile and information in regard to an amount of Rs.1,20,000/- has already been gathered by the investigating agency. Therefore, subjecting the petitioner for any interrogatory purpose, would not serve any meaningful purpose. Offence under section 42-A of Prisoners Act is triable by the Court of learned Magistrate and maximum punishable for a period of 06 months. He also argues that apart the disclosure statement of the co-accused Lalit alias Lalti, and that too, of arranging an amount of Rs.1,20,000/- for him to pay further, to co-prisoner Amit alias – Salli drawn/developed only through a disclosure statement which cannot be considered as a binding evidence for proving guilt of the present petitioner. Moreover, nothing requires to be recovered from his possession. Thus, he prays for grant of anticipatory bail to the petitioner in the present case.

(v) Notice of motion.

(vi) On advance notice, learned State counsel puts in appearance on behalf of the respondent – State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report by verifying the submissions addressed by the petitioner's counsel.

(vii) Adjourned to 11.05.2026.

(viii) In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of

**CRM-M-7116-2026****3**

BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

(ix) Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.”

3. Learned State counsel on instructions from ASI Ashid submits that the petitioner has joined the investigation on 02.03.2026, and as of now, custodial interrogation of the petitioner is not required for the purpose of investigation.

5. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 06.02.2026 passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

6. The petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

7. However, present order would be subject to the submission of his passport to the Investigating Agency or to Court concerned, if he possesses, within a period of one week from today. Otherwise, he would submit an affidavit, disclosing the fact that he does not possess any passport.

8. It is clarified that in case, aforesaid condition is not complied with, this order would be considered as *non est* automatically.

11.05.2026

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**(SANJAY VASHISTH)
JUDGE**

Whether Speaking/Reasoned:
Whether Reportable:

~~YES/NO~~
~~YES/NO~~