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

CRM-M No.20625 of 2026

Date of Decision: 24.04.2026

Manish

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ankur Lal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Aditya Sanghi, Advocate;
Mr. Sandeep Vashisht, Advocate and
Mr. Saurabh Sharma, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.25, dated 26.01.2026, under Section 25 of Arms Act and Sections 109(1), 115, 126, 190, 191(3), 324(4) of BNS (Section 27 of Arms Act and Sections 117(2), 61(2), 126(2), 115(2), 126(2), 191(3), 61(2), 324(6) and 117(2) of BNS added later on), registered at Police Station Khol, District Rewari, Haryana.



2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Surendra @ Dhanniya. It was alleged that the complainant along with his son, Dintyaal, went to village Bhalakhi, to attend the Republic Day Programme. After attending the programme, when they were returning back, at about 01:00 P.M. and crossed the underpass near village Majra, a Bolero (Camper) hit the car of the complainant from service lane side from the Kund direction. One another Bolero camper was already in front on his vehicle, which also hit his car. There was a third Bolero Camper and a Bolero Punch vehicle was parked there. It was alleged that from these vehicles, Ravi, Yogesh, Pankaj, Shishpal, Naveen, Radhe, Asrood, Bhim, Teja, Satish, Dharambir, Pardeep alighted, who were armed with iron rods. Ravi, Shishpal and Naveen pulled the complainant from his car and Ravi stated that they have been sent by his brother, Ravinder @ Hathi (Sarpanch) for taking the revenge of beatings caused to him. Thereafter, Ravi took out his pistol and fired upon the complainant but the magazine of the pistol fell on the ground. Shishpal, Naveen, Ravi, Pankaj and Radhe with intention to kill the complainant gave beatings to him. All the accused also damaged the vehicle of the complainant and thereafter, fled away from the place of occurrence along with their respective weapons. The complainant-injured got admitted in the hospital for treatment. Thus, the request was made to take legal action against all the accused. On the basis of the same, the FIR was registered. 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, Rewari praying for the grant of anticipatory bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Rewari declined the bail application filed by the petitioner vide order dated 08.04.2026. 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 submitted that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the petitioner has not been named in the FIR, however, he has been arrayed as an accused in the present case on the basis of the disclosure statement of co-accused, namely, Ravinder @ Hathi, which in itself is not even an admissible evidence. He has submitted that neither the petitioner was present at the spot nor any injury has been inflicted upon the complainant by him. He has submitted that the only allegation for implication of the petitioner is that the vehicle, which was used in the commission of offence belongs to the petitioner. He has submitted that the said vehicle was borrowed by his partner, namely, Dharambir and he had no knowledge as to where the same shall be used. He has further submitted that the petitioner had cordial relations with the complainant and has been falsely implicated in the present case on the basis of disclosure statement by the co-accused, namely, Ravinder



@ Hathi, who was inimical to the petitioner because of the earlier land dispute. He has further submitted that the petitioner is ready to join the investigation. He has thus submitted that keeping in view the facts and circumstances of the case, the petitioner deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Tanuj Sharma, AAG, Haryana appears and accepts notice on behalf of the respondent-State. He has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner has been prima facie established during the investigation. He has submitted that the petitioner is the main accused as prior to the offence, he met with the other co-accused at the farm house of co-accused, Ravi, where they prepared the plan. He has submitted that the vehicle used in the offence also belongs to the petitioner, which was provided by him to co-accused, namely, Ravi. He has further submitted that phone call details of the petitioner have also been taken in police possession and it is clear from the same that the petitioner was in direct contact with co-accused, namely, Ravi. He has submitted that all the accused had given several beatings to the complainant, due to which, his one leg was amputated and thus, Section 117(3) BNS was added. He has submitted that the petitioner has played an active role in the commission of offence. He has further submitted that the investigation is at the initial stage and the allegations against the petitioner are serious in nature. He has submitted that no case



for the grant of anticipatory bail to the petitioner is made out and thus, the present petition deserves to be dismissed.

6. At this stage, Mr. Aditya Sanghi, Advocate has appeared and filed his vakalatnama on behalf of the complainant-injured today in the Court and the same is taken on record. He, however, has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner has played an active role in the commission of offence. He has further submitted that the petitioner is not entitled for the grant of anticipatory bail and thus, the present petition deserves to be dismissed.

7. The Court has heard learned counsel for the parties and perused the record with their able assistance.

8. It has been transpired that complicity of the petitioner in the present case has been *prima facie* established during the investigation. There are specific allegations against the petitioner that he in conspiracy with the other co-accused had prepared the plan for the commission of offence. The vehicle used in the commission of offence also belongs to the petitioner and the same was remained in possession of co-accused, namely, Ravi for the commission of offence. The petitioner was also remain in contact with co-accused, namely, Ravi through mobile phone throughout the tenure of committing the offence as is evident from the call details records. All the accused had given several beatings to the complainant and on account of the same, his one leg was amputated and thus, Section 117(3) BNS was added. Allegations against the petitioner



are serious in nature. Needless to say that the investigation is at threshold and granting bail to the petitioner would scuttle the ongoing investigation.

9. 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.”*

10. 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.”

11. 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*



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themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the case is under investigation and the complicity of the petitioner has been prima facie found. Needless to say, 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.

13. 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.

14. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

24.04.2026*rittu*

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

(RAJESH BHARDWAJ)
JUDGE