

(2026) 08 P&H CK 0463
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-42894-2026

Sunil

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 309(4), 311
Arms Act, 1959 — Section 25
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482

Citation : (2026) 08 P&H CK 0463

Hon'ble Judges : Manisha Batra, J

Bench : Single Bench

Advocate : Mr. Robin Singh Hooda, Advocate for the petitioner; Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana.

Final Decision : Petition allowed

Judgement

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. 18 dated 11.01.2025 registered under Section 309(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act, 1959 (Section 311 of BNS added later on) at Police Station City Palwal, District Palwal.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Jagdish, an auto-rickshaw driver, alleging that on the night of 10.01.2025, he along with two co-villagers, namely Suraj and Satbir Singh, was going towards his village Bhanguri in his auto-rickshaw. When they had reached near Piyush Group, two persons gave a signal to stop his vehicle and asked him to drop them at village Bhanguri. They boarded the auto-rickshaw. After proceeding a little distance, one of them took out a country-made pistol from his pocket and asked the complainant and the other occupants to hand over whatever they were carrying. They had a scuffle with the occupants of

the vehicle and after snatching two mobile phones and a cash amount of ₹ 1,500, while brandishing the country-made pistol, managed to flee from the spot.

3. After registration of the FIR, investigation proceedings were initiated. During investigation, accused Sachin was apprehended. He suffered a disclosure statement admitting his involvement in the crime and also disclosed the names of co-accused Shyam and the petitioner. He disclosed that all of them had planned to rob some passengers and further that, while he had stayed at a distance, the petitioner along with co-accused Shyam had boarded the auto-rickshaw of the complainant and had robbed the occupants thereof. The petitioner was accordingly nominated as an accused. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which came to be dismissed by the Court of learned Additional Sessions Judge, Palwal, vide order dated 19.02.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in the present case. He was not named in the FIR. The disclosure statement of the co-accused cannot be treated as legally admissible evidence against him. No material has been collected during investigation to connect him with the commission of the alleged offence. The motorcycle sought to be recovered from him does not belong to him but to co-accused Sachin, who already stands arrested. It is further submitted that, during the trial of co-accused Shyam and Sachin, the complainant Jagdish and the other two alleged victims, namely Suraj and Satbir Singh have already been examined and none of them has supported the prosecution case. Rather, they have denied the occurrence of any incident of robbery, as alleged in the FIR. The petitioner is ready and willing to join the investigation. His custodial interrogation is not required and no recovery is to be effected from him. It is, therefore, argued that the present petition deserves to be allowed.

5. Notice of motion.

6. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by him that the petitioner has been avoiding his arrest for a long time and therefore, could not be apprehended so far. Recovery of a motorcycle and a cash amount of ₹ 700, allegedly forming part of the looted amount, is yet to be effected from him. He was one of the active participants in the commission of the alleged offence. While admitting that the complainant and the other two material witnesses have turned hostile and have not supported the prosecution version during the trial of the co-accused, learned State counsel has submitted that the custodial interrogation of the petitioner is required. It is, therefore, urged that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

8. The petitioner was admittedly not amongst the two robbers who had boarded

the auto-rickshaw of the complainant and had snatched money and mobile phones from its occupants. Annexures P-5 to P-7 are copies of the statements of the complainant Jagdish and the other two alleged victims namely Suraj and Satbir Singh. A perusal thereof reveals that, in their respective sworn depositions recorded before the learned trial Court during the trial of the co-accused, they have categorically denied that any such incident had ever taken place or that they had been robbed of their mobile phones or money. They have also resiled from their statements allegedly made before the police and have turned hostile. Taking into consideration the above-discussed facts and the circumstances peculiar to the present case, this Court is of the considered opinion that the pre-trial incarceration of the petitioner is not required and he has made out a case for grant of anticipatory bail. As such, the petition is allowed and the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within a period of 15 days from today and subsequent also as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.

9. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

10. Since the main petition has been allowed, pending application if any is rendered infructuous.