

112

**CRM-8361-2026 and
CRM-9472-2026 in CRM-M-4433-2026**

Ankit Rawal V/s State of Haryana

Present: Mr. Gaurav Grover, Advocate for the applicant-petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

CRM-8361-2026

1. The present application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking recall of the order dated 28.01.2026 passed by this Court in CRM-M-4433 of 2026 whereby the petition filed by the applicant seeking anticipatory bail in FIR No.166 dated 30.09.2023 registered under Sections 341, 323, 302, 148 and 149 of the Indian Penal Code at Police Station Bapoli, District Panipat (with Section 325 IPC added later during investigation) was dismissed as withdrawn with liberty to the petitioner to appear before the Court below within seven days and to seek the concession of regular bail.

2. The prosecution case, as emanates from the FIR lodged by the complainant Sarwar son of Nazim, is that on the night of 29.09.2023, a quarrel had taken place between the deceased Tasavar and certain persons of the village including Anil, Vikas and Manish. It has been alleged that thereafter Satish along with several associates intercepted Tasavar and Azad while they were returning home on their motorcycles and attacked them with sticks, knives and other sharp-edged weapons in front of the office of Satish near the grain market. As a result of the assault. Tasavar sustained grievous injuries and was taken to the Government Hospital where he was declared dead by the doctors, whereas the injured- Azad managed to escape after sustaining the injuries. On the basis of the complaint, the present FIR came to be registered. During the course of investigation statements of the

witnesses were recorded. The weapons of offence including knife as well as blood-stained clothes were recovered. The CCTV footage from the Anaj Mandi gate was also collected and sent for forensic examination. It has been alleged that the further investigation had revealed the involvement of multiple accused persons (including the petitioner) in the assault which ultimately resulted in the death of Tasavar. After completion of investigation, the challan was presented against the co-accused persons.

3. Learned counsel for the applicant-petitioner has contended that the instant application has been filed seeking recall of the order dated 28.01.2026 earlier passed by this Court. Learned counsel has contended that the said order came to be passed on the basis of a statement made by the earlier counsel for the petitioner that the petitioner would cause his appearance before the Court below within a period of 07 days and would move an application for regular bail. Learned counsel has further contended that the said statement was made without proper instructions from the petitioner and the petitioner had never authorized his counsel to make such an undertaking before this Court. It has been further contended that the petitioner had only instructed his counsel to withdraw the anticipatory bail petition in case the Court was not inclined to grant the relief prayed for but no undertaking regarding appearance before the Court below within 07 days was ever given by the petitioner. According to learned counsel, the petitioner came to know about the said statement only after the order was passed and therefore the petitioner has approached this Court seeking recall of the said order in the interest of justice.

3.1. On merits, learned counsel has iterated that the petitioner has been falsely implicated into the FIR question as his name does not find mention in the FIR. Learned counsel has further iterated that the

involvement of the petitioner has been shown only on the basis of the disclosure statement of a co-accused which, by itself, carries limited evidentiary value in the eyes of law. Learned counsel has further submitted that no specific overt act has been attributed to the petitioner in the alleged occurrence. It has been further contended that during the course of trial some of the prosecution witnesses have already turned hostile and hence the prosecution case against the petitioner stands substantially weakened. According to learned counsel, the petitioner was neither present at the spot nor participated in the alleged occurrence and there is no allegation of recovery of any weapon from him. Furthermore, the complainant has lodged the impugned FIR on the basis of a false and fabricated story while concealing the true and material facts. It is further submitted that the petitioner is a young person aged about 27 years having clean antecedents. It has been further argued that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from him and all the material facts are already on record. Learned counsel asserts that the petitioner is willing to join investigation as and when require, shall not tamper with evidence or influence any witness and shall abide by all the conditions imposed in case he is enlarged on pre-arrest bail.

On the strength of aforesaid submissions, learned counsel has prayed that the order dated 28.01.2026 earlier passed by this Court may kindly be recalled and the anticipatory bail petition be considered afresh on merits.

4. *Per contra*, learned State counsel has vehemently opposed the application in hand and submits that the same is wholly misconceived and not maintainable in the eyes of law. According to learned State counsel, the order dated 28.01.2026 was passed by this Court after hearing learned

counsel for the petitioner, who after arguing the matter for some time, voluntarily sought permission to withdraw the petition and made a categorical statement before this Court that the petitioner would cause his appearance before the concerned Court within a period of 07 days and would seek the concession of regular bail. The said statement was duly recorded in the judicial order and accordingly the petition stands dismissed as withdrawn accordingly.

4.1. On merits, learned State counsel has submitted that the petitioner does not deserve the concession of anticipatory bail on the ground that the allegations raised in the FIR disclose a grave and serious offence wherein the deceased has been brutally attacked by a group of assailants armed with deadly weapons including knives and sticks resulting in his death. Learned State counsel has further submitted that during the course of investigation several accused persons have been arrested and incriminating material including the weapon of offence and blood-stained clothes have been recovered. According to learned counsel, the CCTV footage has also been collected and sent for forensic examination. Furthermore, the role of the petitioner has surfaced during the course of investigation and therefore his custodial interrogation is required for effective investigation particularly to ascertain the complete chain of events, the role of each participant and the manner in which the offence was executed. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and obstruct the recovery. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. At the outset, it deserves to be noted herein that the earlier order dated 28.01.2026 passed by this Court clearly reflects that after arguing for some time, learned counsel for the petitioner has sought permission to withdraw the petition and has also submitted that the petitioner would cause his appearance before the concerned trial Court within 07 days and would seek regular bail which shall be decided expeditiously. The said statement was recorded in the aforesaid order and the petition was dismissed as withdrawn accordingly. The ground taken in the present application that the petitioner has not authorized his earlier counsel to make such a statement which has been recorded in the order dated 28.01.2026 does not inspire this Court and appears to be an attempt to circumvent the consequences of the said order. No material has been placed on record to substantiate the allegation that the statement was made without instructions. The mere assertion of the petitioner in this regard cannot be accepted to recall a judicial order passed by this Court. Even otherwise, the scope of recalling such an order is extremely limited. The application in question filed for recalling of earlier order passed by this Court is not maintainable, *inter alia*, in view of Section 403 of BNSS, 2023 (erstwhile Section 362 of Cr.P.C.) and deserves dismissal on this score alone. However, in the interest of justice, this Court proceed to decide the plea(s) raised on merits as well in the peculiar factual *milieu* of the present case.

7. Indubitably, the allegations in the FIR reflects that on the night of 29.09.2023, the deceased Tasavar and another injured person Azad were allegedly attacked by a group of assailants armed with sticks, knives and other sharp weapons near the office of one of the accused persons. The deceased sustained multiple injuries and was declared dead upon being taken to the hospital. The investigation carried out by the police led to the

arrest of several accused persons and recovery of weapons and other incriminating material. The role of the petitioner has surfaced during the course of investigation. The offence alleged in the present case is punishable under Section 302 IPC. The gravity of the offence, the manner in which the occurrence is alleged to have taken place and the collective participation of several accused persons are factors which cannot be ignored while considering the plea for grant of anticipatory bail. It is well-settled that the seriousness of the offence is to be assessed on the basis of the allegations and surrounding circumstances and the act done with intention or knowledge to cause death is sufficient. It is settled law that while considering the grant of anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. The investigation is at a nascent stage and the recovery of the weapon and verification of facts are yet to be carried out.

8. The plea of false implication raised by the petitioner is a disputed question of fact and involves appreciation of evidence, which cannot be adjudicated upon at this stage. The same can only be adjudicated upon the conclusion of the investigation or during the course of trial. In the considered opinion of this Court, granting anticipatory bail at this stage may likely to hamper the on-going investigation. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. Furthermore, the Court below has already declined the plea of the petitioner after considering the relevant factors, including the manner in which the name of the petitioner surfaced during investigation. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal

interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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 themselves in task of disinterring offences would not conduct themselves as offenders.”

9. There is another aspect *nay* vital aspect of the matter which deserves to be addressed by this Court.

9.1 The judicial process operates on the foundational presumption that statements made by a counsel at the Bar are made with full authority and reflect the true intent of the litigant concerned. This principle ensures that the Court can effectively adjudicate without being compelled to verify

the internal communications between a lawyer and the client at every state of proceedings. By executing a Vaqalatnama, a litigant clothes the counsel engaged with express as well as implied authority to plead, act and appear in the best interest of the client. If a litigant were permitted to resile from an adjudication/order made premised upon the statement/argument advanced by his/her counsel, it would render every court proceeding tentative and every judicial order vulnerable to being reopened, simply because the litigant has had a change of heart or has engaged a new counsel. Pertinently, entertaining such a plea would pave the way for a dangerous precedent, effectively allowing a second bite at the apple. It is to be borne in mind that a counsel is an officer of the court and not merely a mechanical agent of the litigant; and owes a duty to the court to ensure the smooth administration of justice. If an act, conduct or concession given by a counsel is not deemed to be authorized by the litigant, the entire adjudicatory framework would stall, as no opposing party or presiding officer could ever rely upon a statement made by a legal representative.

10. Adverting to the factual milieu of the instant case, the attempt by the applicant-petitioner to disavow the withdrawal of petition under the guise of 'lack of instructions', amounts to a procedural heresy striking at the very root of the advocate-client relationship, as also an affront to the adjudicatory process, where an advocate plays pivotal role of assisting the court. In the earlier round, when this Court expressed a clear disinclination to grant the relief prayed for, the decision of the counsel (appearing for the applicant-petitioner) to withdraw the petition, in order to shield the applicant-petitioner from an adverse order on merit, which might have prejudiced the future remedies, is an exhibit of professional diligence and prudence. To allow the applicant-petitioner, at this stage, to characterise it

as an unauthorized act is to undermine the very purpose of legal representation. The averment that the previous counsel was 'not properly instructed', stands in the face of the integrity of the legal profession. The applicant-petitioner having put his signature on the Vaqalatnama, cannot be permitted to act as a stranger to the actions taken by his earlier counsel in open court, especially when such action was intended to mitigate a legal damage. To accept this plea would virtually allow the applicant-petitioner to abuse the process of law by turning this Court into a laboratory for experimental litigation. It is necessary to detest such vexatious and virulent attempt(s) by unscrupulous elements, aimed at misusing the process of law and Courts. The sanctity of the judicial process will be seriously eroded if such attempt(s) is not responded with necessary firmness. A litigant who misuses the process of law or take liberties with the truth should be left in no doubt about the consequences to follow. Others should be discouraged not to venture along the same path in the hope or on a misplaced expectation of judicial leniency or indulgence. Exemplary costs, in such a situation are inevitable and necessary, so as to ensure that in litigation, as in the law which is rather practiced in our Country, there is no premium on the truth. Such misleading plea(s) which are deficient in any reasonability, have to be construed as trifling with the Courts and the process of justice.

11. In view of the prevenient ratiocination, it is ordained thus:

(i) The application in hand is devoid of merits and is hereby dismissed with costs of ₹20,000/-, which shall be deposited by the petitioner with Chief Judicial Magistrate (CJM), Panipat within four weeks from today. In case such costs are deposited; CJM, Panipat shall have the same remitted to Haryana State Legal Services Authority, Panchkula. In case, the said costs are not deposited by the petitioner as directed for; the CJM,

Panipat is directed to intimate the Deputy Commissioner, Panipat who shall have such costs recovered from the petitioner as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Panipat shall have the same submitted to CJM, Panipat, for further remittance thereof to Haryana State Legal Services Authority, Panchkula. A compliance report be sent by CJM, Panipat as also Deputy Commissioner, Panipat to this Court accordingly.

(ii) Registry is directed to transmit a copy of this judgment to CJM, Panipat as also Deputy Commissioner, Panipat for requisite compliance.

(iii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iv) Pending application(s), if any, shall also stand disposed of.

CRM-9472-2026

As the application seeking recall of the order dated 28.01.2026 earlier passed by this Court, has been dismissed, no order is required to be passed in the application in hand.

(SUMEET GOEL)
JUDGE

March 16, 2026

Ajay

Whether speaking/reasoned: Yes

Whether reportable: Yes