



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

102

**CRM-M No.63427 of 2024
Date of decision: 17.12.2024**

HARJEET SINGH AND ANOTHER**.... Petitioners**

Versus

STATE OF HARYANA**.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Anuj Balian, Advocate for the petitioners.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

Mr. Yashdeep Nain, Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-'BNSS') for grant of anticipatory bail in case arising out of FIR No.259 dated 17.08.2024 registered under Sections 406,420 and 120-B of IPC at Police Station Mullan, District Ambala.

2. The aforementioned FIR had been registered on the basis of complaint lodged by the complainant-Baljeet Nain on the allegations that in December 2023, he met the present petitioners who represented that 20 bighas of land was for sale in a village in Ambala and induced him to invest money for purchasing the same by representing that they had a prospective purchaser who required such land and such deal if conducted through them would fetch huge profit to the complainant. They also told the complainant that some relatives of petitioner No.1-Harjeet Singh were interested to buy that land and



even introduced the complainant with two persons by showing that they were father-in-law and brother-in-law respectively of the petitioner No.1-Harjeet Singh and were interested to purchase the land. The complainant in this manner was made to part with a sum of ₹1 crore 10 lakhs by the petitioners and co-accused. In connivance with each other, they executed an agreement to sell 20 bighas of land but no agreement was executed with regard to sale of the land which was promised by the petitioners and subsequently the complainant came to know that petitioner No.2-Sandeep was a habitual offender and had cheated several persons. He was also duped of the aforementioned amount of money and hence he made prayer for taking action. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Ambala vide order dated 09.12.2024.

3. It is argued by learned counsel for the petitioners that the petitioners have been falsely implicated in this Case. In fact, a complaint (Annexure P-2) had been filed by the complainant on 10.04.2024 before the Deputy Commissioner of Police, Panchkula and there was no mention about the involvement of the present petitioners in the said complaint. The present FIR had been lodged subsequently thereby falsely implicating the petitioners. There is no document to show that any money had been handed over by the complainant to the petitioners and the money if any was given by him to the co-accused. They are ready to join investigation. Their custodial interrogation is not required. In fact, the dispute between the parties is of civil nature which



has been given cloak of criminality. With these broad submissions, it is urged that the petitioners deserve to be extended benefit of pre-arrest bail.

4. Notice of motion.

5. At this stage, Mr. Yashdeep Nain, Advocate appeared and has filed his vakalatnama on behalf of the complainant. The same is taken on record.

6. Learned State counsel who has appeared on advance notice of the petition, is ready to argue the matter. Being assisted by learned counsel for the complainant, it is argued by learned State counsel that there are serious allegations against the petitioners as they connived with the co-accused to dupe him of a huge amount of money. Their active involvement in the commission of offence of cheating the complainant, has been *prima facie* made out from the allegations in the FIR. Their custodial interrogation is required for conducting thorough investigation of the matter by the Police. No extraordinary or sparring circumstance has been made out in favour of the petitioners. Hence, it is urged that the petition does not deserve to be allowed.

7. The petitioners by hatching a conspiracy with the co-accused are alleged to have duped the complainant of an amount of ₹1 crore 10 lakhs. Learned counsel for the complainant has also shown transcript of some telephonic conversation having taken place between the petitioners and the complainant suggesting that the complainant had given money to them for purchasing some property and the same has not been given back to the complainant.



8. In view of the nature of the allegations, this Court is of the considered opinion that for conducting thorough investigation in the matter, the custodial interrogation of the petitioners is must. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The 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. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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



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

18.12.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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