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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
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CRM-M No.1212 of 2025
Date of decision: 12.05.2025

Sanjay Hans @ Sanjay Hansa ... Petitioner
Vs.
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Balvinder Sangwan, Advocate,
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
1136	30.09.2017	Ballabgarh City, District Faridabad	406, 420 and 120-B of IPC (409, 467, 468 and 471 of IPC added and 406 of IPC deleted later on)

2. The aforementioned FIR has been registered on the basis of a complaint lodged by the complainant who is a retired Army personnel alleging that he had opened MIS Accounts in the names of his wife, daughter and himself in Post Office, Ballabgarh in May 2005. He had also made recurring deposits with the same Post Office for a period of ten

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years. The recurring deposits matured in May 2015. When the complainant approached for withdrawal of the matured amount, the concerned Post Master delayed the payment thereof on one pretext or the other and then the complainant came to know that by hatching conspiracy with some members of staff of the Post Office as well as two agents, one of whom is the present petitioner, the complainant had been cheated and fraud was committed with him since all the above named three RD accounts were closed in the month of June 2015 on the basis of some false and fabricated documents and the entire money which was deposited in the RD account of his wife, daughter and himself was withdrawn thereby causing loss to the tune of Rs.19,02,152/- to the complainant.

3. After registration of FIR, investigation proceedings were initiated. The accused Dharmender Singh was arrested. The co-accused Mannu Singh who was Post Master of the concerned Post Office was extended benefit of pre arrest bail. Challan qua the co-accused Dharmender Singh has already been presented. Investigation qua the petitioner is underway. Apprehending his arrest, he moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Faridabad vide order dated 24.12.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He merely worked as an agent in the Post Office. He was not posted as an employee in the Post Office and it

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was the concerned Post Master who had closed all the RD accounts of the complainant and his family on the basis of forged documents and had withdrawn the amount of the same. No specific role is alleged to have been played by him in commission of the subject offences nor he was beneficiary of the transactions. The entire procedure for opening the saving/RD accounts and closing thereof was done by the post master or other employees of the post office and not by the petitioner.

5. It is further argued that on the similar allegations, he was arrested in another case bearing FIR No.1100 dated 05.12.2016 registered under Sections 406, 409, 467, 468, 471 and 120-B of IPC at Police Station City Ballabgarh, District Faridabad and remained in custody from 03.01.2017 to 20.12.2017. On the same allegations, he cannot be vexed twice. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. The co-accused i.e. the post master has been extended benefit of pre arrest bail. On parity, he too deserves to be given the same benefit. It is, therefore, urged that he deserves to be extended benefit of pre arrest bail.

6. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that the allegations against the petitioner are serious in nature as he in connivance with the co-accused forged record and cheated the complainant of huge amount of money while acting as agent of the post office. His incarceration in case bearing FIR No.1100 cannot be considered to be a ground for extending benefit of pre arrest

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bail to him as the said FIR had been lodged by some other complainant. He is involved in several other cases. The custodial interrogation of the petitioner is must for conducting proper investigation in the matter. It is, therefore, stressed that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. The petitioner who was admittedly working as an agent in the post office is alleged to have hatched a conspiracy with the officials of the post office including the post master and another agent and in pursuance thereof, is alleged to have created false and fabricated documents on the basis of which the money deposited by the complainant and his family members by way of recurring deposits in the concerned post office had been withdrawn and converted to own use by the petitioner and the co-accused. The allegations against him are grave in nature. The FIR No.1100 was lodged on the complaint of some person other than the complainant of this case and hence, the plea that the petitioner cannot vexed twice has no force. The release of the co-accused on pre arrest bail can also not be considered to be a valid ground for granting anticipatory bail to the petitioner in the peculiar circumstances of the case. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. 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

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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's 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 an 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. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. 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

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shall not be construed as an expression of opinion on the merits of the case.

12.05.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No