



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-2312-2025

Date of decision: April 24, 2025

ANKIT VIJAY WARGIA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 482 of BNSS, 2023 seeking grant of anticipatory bail in case FIR No.396 dated 08.10.2024 under Sections 406, 420, 34 of the Indian Penal Code, 1860, registered at Police Station Sector 27, Sonipat.

2. After issuing notice of motion on 17.01.2025, the petitioner had been granted interim bail by this Court vide, with direction to join investigation and the relevant part of the order dated 17.01.2025 reads as under:-

“Learned counsel for the petitioner, inter alia, contends that a perusal of the FIR in question annexed as Annexure P-1 reveals that the dispute, if any, is essentially of a civil nature between the complainant and accused No.3; the only role, if any, attributed to the petitioner is that it was at the behest of the petitioner, the complainant had entered into a business transaction with the accused-company, which thereafter failed to supply the material ordered by the complainant.”



3. Learned counsel for the petitioner reiterates that the petitioner has been falsely implicated in the instant case. He submits that in compliance of order dated 17.01.2025, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency except that the allegedly cheated amount of Rs.23 lakhs, which is even the subject matter of the dispute between the parties, has not been recovered. Hence, it has been urged by the learned State counsel that the custodial interrogation of the petitioner would be required.

5. It is well-settled principle that denial of anticipatory bail cannot be premised solely on the non-recovery of the allegedly cheated amount, particularly in cases where the accused has demonstrably cooperated with the investigating agency. While considering a prayer for anticipatory bail, it is imperative to bear in mind that the proceedings are at a nascent stage. At this juncture, it would not be appropriate to render conclusive findings on matters such as the alleged entrustment of money, especially if some transaction in question may be in cash. Such issues, by their very nature, are best left to be adjudicated during the course of trial, upon appreciation of evidence.

6. In the facts of the present case, it is not in dispute that the petitioner has duly joined the investigation in compliance of order dated 17.01.2025 and has otherwise fully cooperated with the investigating



agency. The only ground urged by the learned State counsel in opposition to the grant of anticipatory bail is that the petitioner has not facilitated the recovery of the allegedly cheated amount of Rs.23 lakhs. However, it is pertinent to note that the said amount, even as per the learned State counsel, on instructions, was handed over to a co-accused. This further reinforces the view that such disputed question of fact ought to be examined in detail during the trial and should not, by themselves, constitute a ground to curtail the liberty of an accused at the pretrial stage.

5. In view of the above, the petition is allowed, and interim order dated 17.01.2025 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) BNSS.

April 24, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*