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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.3525 of 2025  
Date of Decision: 28.02.2025  
Reserved on: 24.02.2025

Sachin Kumar ... Petitioner  
  
Versus  
  
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arun Kumar Singal, Advocate,  
for the petitioner.  
  
Mr. Apoorv Garg, Sr. DAG, Haryana,  
for the respondent-State.

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MANISHA BATRA, J.

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                                                                                                       |
|---------|------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 0399    | 29.11.2024 | Sector 13/17, Panipat District Panipat | 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (61(2) and 238 of BNS added later on) |

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was initially registered against the co-accused Kuldeep on the basis of a secret information received by ASI Lalit on 28.11.2024 to the effect that the abovesaid accused used to get issued insurance policies in the name of persons who were on the

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verge of their death and usurped their insurance money in a fraudulent manner by getting issued policies on false and fake grounds. He was apprehended while he was sitting in a Creta vehicle. On conducting search of the car, several visa cards issued by different banks, cheque books, passbooks, insurance policies claim forms, insurance confirmation of discontinued policies, ATM cards and PAN cards were recovered therefrom. The same were taken into possession by the police. The accused Kuldeep disclosed that he used to make search for persons suffering with terminal diseases and got their Aadhar Cards, PAN Cards etc. and then by getting insurance policies issued from different insurance companies, he used to usurp the insurance money after persuading the nominees of such insurance policies to open a new bank account. He used to keep the kit i.e. passbook, ATM etc. with him and after the death of the policy holders, used to take OTP from the nominees and then withdrew money. He also disclosed about the involvement of the present petitioner and other co-accused namely, Parmod Chauhan, Salim, Pahar Singh, Divya and Rachna in commission of the such acts. Statement of one Vijay Kumar had also been recorded who stated that the present petitioner and the co-accused Kuldeep had induced him to get an insurance policy issued in the name of his wife who was seriously ill by representing that they would help him in getting treatment of his wife. They had procured the thumb impressions of his wife and himself on several papers and had taken a sim card from him. He also stated that after the death of his wife, the petitioner and co-accused had taken her death

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certificate from him but did not give any money to him. On the basis of the disclosure of the co-accused and statement of witness Vijay Kumar, the petitioner was nominated as an accused. Investigation proceedings have been initiated. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Panipat vide order dated 08.01.2025.

3. It was argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of a disclosure statement of the co-accused which cannot be considered to be admissible in evidence. The entire case is based on documentary evidence. Custodial interrogation of the petitioner is not required. He is ready to join the investigation. No recovery is to be effected from him. He does not have any criminal antecedents. Therefore, it was urged that he deserves to be extended benefit of pre arrest bail.

4. Status report had already been filed. Learned Senior Deputy Advocate General, Haryana had argued that keeping in view the gravity of the allegations and further in view of the fact that thorough investigation is required to be conducted for eliciting the truth from the petitioner, he does not deserve to be extended benefit of pre arrest bail.

5. Learned counsel for both the parties were heard at considerable length.

6. The petitioner in connivance with the co-accused is alleged to have induced innocent victims whose family members were suffering from

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serious illness to get issued insurance policies qua their sick family members through them on the pretext that they would get procured insurance money in their favour and is alleged to have swindled such money. The allegations against the petitioner are serious in nature. For conducting thorough 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 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

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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.

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

**28.02.2025**  
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**(MANISHA BATRA)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |