



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

290 CRM-M-8263-2025
Date of decision: 5th March, 2025

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

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Singla, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.
Mr. Arun Kumar, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The instant one is second petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
72	23.03.2023	Industrial Area, Bhiwani	420 and 406 of IPC

His previous petition CRM-M-45019-2024 for grant of anticipatory bail had been dismissed as withdrawn vide order dated 30.09.2024.

3. The petitioner along with the co-accused has been booked for commission of aforementioned offences on the allegations that the co-accused and himself, who were directors of one company named as



Indigrow Networks Private Ltd. had induced the complainant Sandeep Kaushik to take distributorship of products of their company by alluring him that he would be fetching huge profits. He was also induced to let his premises hired for running business of distribution of products of the company on payment of rent. He was made to part with huge amount of money, which was deposited in the account of the company. However, neither rent for hiring the premises of the complainant, had been paid by the petitioner and the co-accused nor the distributorship was given to him. By alleging that the petitioner and co-accused had duped him of money thereby causing loss to him, with dishonest intention to cheat him, the complainant prayed for taking action in the matter.

4. The co-accused Himanshu Pawar was arrested on 11.08.2024. He was extended benefit of bail by order dated 14.01.2025 passed by this Court. Two more accused namely Mamta and Preeti also joined into investigation and were released on bail. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Bhiwani, which was dismissed vide order dated 27.08.2024.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is unexplained delay in lodging of the FIR. Infact, the dispute between the parties is of civil nature which has been given a criminal colour. Being director of a private limited company, he cannot be held criminally liable for financial losses by the company or its stakeholder. The offences for which the petitioner has been booked are triable by Magistrate. He is ready to join the investigation. His custodial



interrogation is not required. The co-accused Himanshu Panwar, whose case is on similar footing, has been extended benefit of bail. On parity, he too deserves to be released on bail. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

6. Status report has been filed by respondent-State. Learned Assistant Advocate General, Haryana has argued that there are serious allegations against the petitioner. He is a man of criminal antecedents. He was declared a proclaimed person in a complaint filed under Section 138 of Negotiable Instruments Act, 1881. There are chances of his absconding, if extended benefit of bail in this case as well. In pursuance of his common intention with the co-accused to cheat the complainant, he had induced him to part with a huge amount of money on the pretext of getting the same invested in his company. The money so extracted from the complainant is to be recovered. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. A thorough investigation is rather required to be conducted in the matter, for which custodial interrogation of the petitioner is must. Therefore, it is urged that the petition does not deserve to be allowed.

7. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

8. The petitioner along with the co-accused is alleged to have induced the complainant to part with huge amount of money on the pretext of giving him distributorship of products of company of the petitioner. The co-accused Himanshu Panwar was given benefit of regular bail and not of anticipatory bail. One more criminal case of similar nature is pending



against the petitioner. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is also well settled that the Court must be circumspect while exercising 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 the 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.

[MANISHA BATRA]
JUDGE

5th March, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |