2025:PHHC:126873

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

210 **CRM-M-32596-2025**
Decided on:11.09.2025

Manish Kumar **...Petitioner**

Versus

State of Haryana **...Respondent**

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

Present: Mr. Pankaj Kaushik, Advocate,
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. S.K. Hooda, Advocate,
for the complainant.

****

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner in a case FIR No.70 dated 18.03.2025, registered under Sections 120-B, 406, 408, 420 of the IPC, 1860, Section 3 of the HPIDFE Act, 2013 and Sections 21 & 23 of the BUDS Act, 2019, at Police Station Sadar Panipat, District Panipat.

2. Succinctly, the facts of the case are that the present FIR was registered on the complaint of Raj Kumar, in which it was alleged that the complainant and others were the investors of the Human Welfare Credit and Thrift Cooperative Society Ltd. (for short "the Society"). The Society was stated to have received permission to operate in the State of Haryana under Certificate No.C6/4723 dated 14.06.2016 with its GST No.07AAAAH7049D1ZW and PAN No.AAAAH7049D. The complainant and others were told that the Society was recognized by the Reserve Bank of India and was registered with the Ministry of Agriculture, Government of India and the investors deposited their money in the Society in RD, FD & DDS

schemes and they were also assured that their money is safe and will be returned with interest after the completion of tenure. On 03.12.2024, they came to know that the branches of the Society were closing one by one and when they contacted the Dadlana branch; its office was found closed. The investors were shocked to know the same and it was alleged that they lost their hard earned money and found themselves to have been cheated. It was alleged that the complainant made a RD for three years with Manish Kumar, Branch Manager (petitioner herein) for Rs.5,300/- per month and he was assured to be paid an amount of Rs.2,50,165/- on the date of maturity, i.e. 30.11.2024, but the same was not paid to him. He was running from pillar to post but all in vain. The other investors also faced the same fate. Hence, it was prayed that legal action be taken against the Society and the estates and funds of the Society be confiscated to save the interests of the innocent victims. On registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Panipat, for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 30.04.2025. Hence, aggrieved against the said order, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioners has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. It is submitted that the petitioner was only an employee of the Society working as Branch Manager in its Dadlana branch and he was merely performing his duties under the instructions and the policies framed by the Head Office of the Society and he is neither the beneficiary in any manner nor he has misappropriated any funds. It is contended that the petitioner himself has fallen victim to the fraud perpetrated by the officers and Directors of the Society. It is submitted that the petitioner was only the Branch Manager and

the decision making authority vests in the senior officers and Directors of the Society. He further submitted that the whole case hinges upon the documentary evidence and bank and money transaction records and, thus, no case for custodial interrogation is made out. Thus, there being no *prima facie* case made out against the petitioner, he deserves to be granted concession of anticipatory bail.

4. *Per contra,* learned counsel appearing on behalf of the complainant has vehemently opposed the bail application and submitted that the complainant and other similarly situated victims had honestly believed in the working of the Society and deposited their hard earned money with it. The victims were promised to be paid handsome amount with profit. However, they have found themselves to have been duped with the heavy amount. The various branches of the Society were found to have been closed one by one and the petitioner, in conspiracy with his accomplices, had enticed the complainant and other investors to deposit their amount with the Society and, thus, he was part of the conspiracy in duping the innocent investors and as such, he does not deserve the concession of anticipatory bail.

5. Learned State counsel has also opposed the bail application and drawn attention of this Court to the status report filed by way of affidavit of Rajbir Singh, HPS, DSP, Panipat. It is contended that in 2016, the Society got a large number of investors to invest in its beneficial schemes like FD, RD and other saving schemes by alluring them with financial benefits. The Society opened various branches in almost all districts of the State of Haryana and in district Panipat itself, 100 crores of rupees were invested through agents of various branches. In the year 2024, the Society did not pay the maturity amount of the investors on time and, therefore, initially 113 complaints were received against the Society, in which crores of rupees were found to have been invested by the investors. The Society through the petitioner and his

accomplices used to allure the innocent persons with 1% higher interest rate than the interest rate fixed by the Government of India in schemes like Sukanya Yojana, FD & RD etc. The Society works through the process chain system from the first investor to the last investor and everyone used to get 5% commission/points on adding new investors. All the branches of the Society were used to be managed from the main branch of Indore (114), Kashipuri Colony, NR-10, Bhangarh Road, Indore and in all the branches of district Panipat, the money was to be deposited in cash only and the investors/agents used to get the points/commission as per the amount of the money deposited. It is submitted that the main operators of the Society, namely, Manish Kumar (**petitioner herein),** Sachet Sangwan, Akash Srivastava, Sameer Aggarwal and Shawab Hussain cheated the investors in a planned manner. During investigation, statements of the witnesses/victims were recorded and notice under Section 94 of the BNSS, 2023 was served to the concerned officials of the Ministry of Cooperation, office of Central Registrar of Cooperative Societies, Government of India, on 01.04.2025 to obtain record of the Society and from the reply received, the Society was not found to have been registered for working in the State of Haryana. The petitioner was Branch Manager of the Dadlana branch of the Society and he had persuaded the people from village Dadlana and surrounding areas to invest in various schemes of the Society but later on refused to pay the maturity amount to the investors. It has been contended that during investigation conducted so far, it has come to the forth that though the Society was not registered for working in the State of Haryana but a total of Rs.40 lacs were found to have been defrauded by the petitioner and his associates. The petitioner is also found to be involved in one another FIR No.96 dated 18.03.2025, registered under Sections 120-B, 406, 408, 420 of IPC, 1860, Section 3 of the HPIDFE Act, 2013 and Sections 21 &23 of the BUDS Act, 2019, at Police Station Matlauda, District Panipat. He submitted that the case is under investigation and the defrauded amount is yet to be recovered and, thus, custodial interrogation of the petitioner is very much necessary to unearth the mystery behind the entire scam and hence, the present petition, being devoid of merit, deserve to be dismissed.

6. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the complainant and other similarly situated victims had invested their hard earned money in the Society on the assurance given to them of the safety of their money and the guaranteed returns with handsome profits, however, initially the same was paid to them for reposing faith in the Society but, thereafter, the payment of their maturity amount was refused. The petitioner, being Branch Manager of the Dadlana branch, along with their accomplices, is alleged to have allured the complainant and other people from village Dadlana and other surrounding areas and enticed various investors to deposit their money in the said Society in lieu of the lucrative returns and higher rate of interests other than fixed by the Government of India. The alleged scam runs into crores of rupees and complicity of the petitioner has been *prima facie* established. Thus, keeping in view the gravity and seriousness of the offences, the contentions raised by the learned counsel for the petitioner cannot be appreciated at this stage where he has approached this Court for the grant of concession of anticipatory bail. However, the same could be appreciated at the relevant stage.

7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

> ***"482. Direction for grant of bail to person apprehending arrest:***
>
> *1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit,*

direct that in the event of such arrest, he shall be released on bail.

2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including*

   (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*

   (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*

   (iii) *a condition that the person shall not leave India without the previous permission of the Court;*

   (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

8. Hon'ble Supreme Court in State represented by **CBI Vs. Anil Sharma,** (1997) 7 SCC 187 has held as under:-

> "6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under Section 438 if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in

task of disinterring offences would not conduct themselves as offenders."

9. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the present petition, being devoid of any merit, is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

September 11, 2025 **(Rajesh Bhardwaj)**
vinod* **Judge**

Whether Speaking/Reasoned: NO/YES
Whether Reportable: NO/YES