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

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CRM-M No.33470 of 2025

Date of decision: 03.07.2025

Abhishek Parashar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amit Dudeja, Advocate,
for the petitioner.

Mr. Apoorv Garg, Addl. AG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of anticipatory bail in case arising out of FIR No.0337 dated 11.10.2024 registered under Sections 120-B and 420 of IPC at Police Station Sector 13/17 Panipat, District Panipat. The petition previously filed by him had been dismissed as withdrawn vide order dated 20.03.2025 passed in CRM-M-15438 of 2025.

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Vaibhav Tayal on the allegations that he came into contact with the petitioner in year, 2021. He used to

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play cricket and the petitioner represented to him that he had remained a coach for cricket team and could get the complainant selected in the National IPL team. He demanded a sum of Rs.1 crore for that purpose. On being induced by the petitioner to get him selected in the IPL team, the complainant had agreed to give money to him and had given different amounts of money during the period from June, 2022 till May, 2024 and total sum of Rs.1 crore had been given by him to the petitioner. However, he was not selected in IPL team and in fact duped of that amount and was cheated by the petitioner. When the complainant demanded back his money, he was extended threats by the petitioner. After registration of FIR, investigation proceedings were initiated.

3. During investigation, the wife of the petitioner had also been nominated as an accused. She has since been extended benefit of pre arrest bail.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, he used to give coaching sessions for cricket to the complainant who deposited some amount of coaching fees along with other expenses including travelling for playing cricket matches, in the bank account of the petitioner. He could not succeed as a cricketer and due to grudge, he has implicated the petitioner. Cheques were forcibly taken from the petitioner by the complainant under fear of political pressure. Some blank documents were also got

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signed from the petitioner by the complainant. He had never promised the complainant for any kind of selection in any IPL or other cricket tournament. An amount of Rs.64,45,284/- was transacted through his bank account and not the amount of Rs.1 crore as alleged by the complainant. Infact, it is a civil dispute between the parties which is given a criminal colour. He is ready to join the investigation. Neither his custodial interrogation is required nor any recovery is to be effected from him. The co-accused who is his wife has been extended benefit of pre arrest bail. On parity, he too deserves to be extended the same benefit. It is, therefore, urged that the petition deserves to be allowed.

5. Notice of motion.

6. Mr. Apoorv Garg, Addl. AG, Haryana has advance notice of the petition and is ready to argue the matter. It is submitted by him that there are serious and specific allegations against the petitioner who had induced the complainant to part with a huge amount of money on the pretext of getting him selected in the IPL team. An amount of about Rs.70 lakhs had been transferred by the complainant in the bank account of the petitioner. The petitioner even issued cheques for some of this amount which had been dishonoured. The petitioner caused wrongful loss of huge amount of money to the complainant. For effecting recovery of the said amount as well as for conducting proper investigation in the matter, the custodial interrogation of the petitioner is must. Even

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otherwise, no exceptional or extraordinary circumstance for grant of bail has been made out. It is, therefore, urged that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. The petitioner is alleged to have induced the complainant to part with an amount of about Rs.1 crore by representing that he would get him selected in some National, International or IPL cricket team while knowing fully that he could not do so. He is alleged to have grabbed this amount and failed to return the same. The plea as taken by the petitioner that the amount of money deposited in his bank account by the complainant was on account of travelling expenses and coaching fee etc. cannot be believed at this stage. There are serious allegations against the petitioner. For the purpose of conducting thorough and deep probe, 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

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interferes in the sphere of investigation of an offence. 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, this Court is 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 shall not be construed as an expression of opinion on the merits of the case.

03.07.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No