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2025:PHHC:081090

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

**CRM-M-35365-2025**
**DECIDED ON: 08.07.2025**

**MANI CHHABRA**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

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

Mr. Chetan Sharma, DAG, Haryana.

**SANDEEP MOUDGIL, J (ORAL)**

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS seeking grant of pre-arrest bail to the petitioner in FIR No.688, dated 24.11.2023, under Section 406 and 420 IPC, registered at Police Station Mahesh Nagar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

*"To The Superintendent of Police. Ambala. Sub: Complaint against (1) Mani Chhabra (Mob. 72064-11736) son of Sh. Pradeep Chhabra,(2) Priya Chhabra wife of Sh. Mani Chhabra son of Sh. Pradeep Chhabra and (3) Rishi Chhabra (Mob. 99961-77603) son of Sh. Pardee Chhabra All residing at Near Dua Tea Stall, Budhiraja Niwas, Kabari Bazaar, Ambala Sings fy facts Cantt for fraud, cheating and criminal*

*misappropriation of Rs. legal 50 Lac Sir, that complainant respectfully submits as under: -1. That complainant is a permanent resident of Ambala Cantt and having agricultural land at Vill. Mohra, the complainant was residing at 29-A, Inderpuri, Ambala Cantt in year 2018. The said accused was the next-door neighbour.2. That being neighbors in usual course complainant and his family became familiar with accused and his family and like neighbors, they enjoyed each other's company and were there for each other in thick and thin.3. That the complainant and his son was swayed by accused in their sugary talks, they showed complainant son rosy pictures of big business and also informed that accused sister is settled in USA and they would be planning a joint business of some export of garment as accused were already in handloom business. 4. That the complainant being from rural background was looking for evocation in for his son came in sugary talks of accused. 5. That accused no. 2 used to treat the son of the complainant as her younger brother, all the three accused in conspiracy in order to defraud and cheat complainant and his family. The accused started instigating and torturing the son of the complainant to ask complainant small amount, so that they could start some business in joint venture. They accused came to know complainant has sold immovable property in year of Aug. 2021 and amount of Rs. 60 lac has been received by complainant on 23rd Dec. 2021. All the accused conspired to make deceitful scheme in order to swallow the amount so received by complainant. 6. That the accused promised complainant for a business collaboration in which complainant and his son would be partners, the said promise all the accunsed very well knew would never be fulfufill and was made for the purpose of cheating. The son of the complainant being young was made a escape goat being neighbour enjoying good relations complainant who already given around Rs. 10 lac in cash the accused started transferring* *different amounts in account of accused and their firm. The said amount was transferred from the account of the son of the complainant as well as the complainant. The copy of bank statement is annexed for your kind perusal. In this way all the accused in conspiracy deceived cheated defrauded and misappropriated Rs. 50 Lac from complainant and his son. That accused when shifted to some other rented premises continuously procrastinated the proposed business on one pretext of the other. The accused were hand in glove with each other. In this entire transaction of cheating, the complainant and his family were continuously requesting the accused to return their money on which they were dilly dille. The complainant came to know that accused have in similar way taken money from other people and their shop has been closed and its possession has been taken by their debtors.8. That on assistance of the complainant issued cheque and promised to return the amount by end of September 2023 first week. 9.That when whole of the September 2023 passed complainant son and his wife visited the place where accused are residing and meet accused number 2 who was not cordial with them and too their utter shock, she bluntly told the wife of complainant that if they would insist or ask for their money, she would make a false complaint to police regarding alleged molestation by son of the complainant and would implicate him in false case. 10. That now left with no option the complainant is compelled to knock doors of your good office for redressal of his grievances, the complainant is victim of cheating, fraud, criminal misappropriation and now reeling under intimidation of false case by accused no.2 It is therefore, respectfully prayed keeping in view of above mentioned facts, a strict legal action may kindly be ordered against accused for offences so committed by them in interest of justice."*

3. **<u>Contention</u>**

**<u>On behalf of the petitioner</u>**

Learned counsel for the petitioner contends that the instant FIR is an outcome of the concocted story by the complainant against the petitioner to falsely implicate him and his family members by giving colour of criminality to a civil dispute arising out of business transactions. He further contends that an amount of Rs.10,00,000/- has been paid by the petitioner through his bank account in the bank account of the son of the complainant therefore, ingredients of Section 420 cannot be culled out since the petitioner had no intention to deceive the complainant. In addition, he seeks the grant of anticipatory bail on parity with his wife-co accused who has been granted bail by the Additional Sessions Judge, Ambala vide order dated 14.05.2024.

Notice of motion.

**<u>On behalf of the State/complainant</u>**

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Aditya Partap, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record. They oppose the grant of anticipatory bail to the petitioner on the ground that the petitioner along with his co accused have cheated the complainant by fraudulently receiving Rs.50,00,000/- in a preplanned manner. It has been submitted that there is evidence to show the complicity of the petitioner who has been changing his address time and again to evade the repayment of the amount duped by him and co-accused.

Heard learned counsel for the parties at length.

4. **Analysis & Decision**

Before delving into the merits of the case, it would be apposite at this stage to mention section 420 IPC, which is reproduced herein below:-

> ***420. Cheating and dishonestly inducing delivery of property.—***
>
> *Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.*
>
> *i) A person must commit the offence of **cheating** under Section 415; and*
>
> *ii) The person **cheated** must be dishonestly induced to*
>
> > *(a) deliver property to any person; or*
> >
> > *(b) make, alter or destroy valuable security or anything signed or sealed and capable of being converted into valuable security.*

Having perused the record in hand as well as the ingredients of section 420 IPC, it can be culled out that the petitioner along with the co accused had conspired to make a deceitful scheme by making a false promise of starting a business in order to swallow the amount mentioned above from the complainant which clearly shows the *mens rea* from the inception of borrowing the amount from the complainant.

Further, the petitioner has been alleged to have duped the complainant of a hefty amount of Rs.50,00,000/- therefore he cannot claim parity with his wife-co accused who has been granted bail by the trial court since no direct transactions have come on record to show her involvement in the alleged offenses.

Taking into consideration the factual aspects and the allegations involved, the court by no stretch of imagination can be lenient to grant bail to the petitioner who have allegedly duped the complainant of his hard earned money. Therefore, not only it is a case of documentary evidence but indeed to unearth the truth and recover the money, custodial interrogation of the petitioner is required.

Moreso, it is a settled proposition of law that power exercisable under Section 482 B.N.S.S, 2023,is somewhat extraordinary in character and it is to be exercised in exceptional cases sparingly and with utmost caution. The Hon'ble Supreme Court in ***State Vs. Anil Sharma : (1997) 7 SCC 187*** 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 ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 a*

*responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."*

In ***Sushila Aggarwal Vs. State (NCT of Delhi), (2020) 5 SCC1***, Hon'ble Supreme Court has enunciated the considerations that must govern the grant of anticipatory by holding as under: -

> *92.3…While considering an application (for grant of anticipatory bail) the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses), likelihood of fleeing justice (such as leaving the country), etc.*
>
> *92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court."*

Similarly, in ***Neeru Yadav Vs. State of UP & Anr., (2016) 15 SCC 422***, it was held by Hon'ble Supreme Court as under: -

> *"11. It is the duty of the Court to take into consideration certain factors and they basically are,*
> *(i) the nature of accusation and the severity of punishment in cases of conviction and the nature of supporting evidence,*
> *(ii) reasonable apprehension of tampering with the witnesses for apprehension of threat to the complainant, and*

*(iii) Prima facie satisfaction of the court in support of the charge."*

In the light of above mentioned facts and the spectrum of law discussed by the Apex Court with regard to the grant of anticipatory bail, the court does not deem fit to grant anticipatory bail to the petitioners. This petition being devoid of merits stands dismissed.

However it is made clear that anything observed herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

Ordered accordingly.

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**(SANDEEP MOUDGIL)**
**JUDGE**

**08.07.2025**
*Meenu*

*Whether speaking/reasoned* *Yes/No*
*Whether reportable* *Yes/No*