



CRM-M-35611-2025

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

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Date of decision: 29.07.2025

Sonu

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Munish Kumar Garg, Advocate with
Mr. Tanuj Goyal Tohana, Advocate for the petitioner.
Mr. Tarun Aggarwal, Additional Advocate General, Haryana.
Mr. Shobit Rapria, Advocate and
Ms. Shreya Bhardwaj, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.99 dated 19.03.2025, registered for the offences punishable under Sections 420 and 406 of IPC at Police Station Gohana Sadar, District Sonapat.

2. The gravamen of the FIR in question pertains to defrauding the complainant namely Sandeep Kumar, resident of village Kasandi, P.S. Sadar Gohana, District Sonipat who is having a petrol pump in the name of Dr. Dalel Singh & Sons Filling Station in village Khanpur Kalan for the last 08 years. He alleged that Sonu (petitioner herein) was working as a Manager at his Petrol Pump for the last 07 years and the said Sonu used to keep all the accounts of the money transactions of his Petrol Pump and was responsible for handling all the financial records. Over the period of time, the

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complainant noticed certain discrepancies in the accounts and repeatedly asked Sonu (petitioner herein) for clarification but he kept delaying with vague assurances. However, on 30.06.2024 at around 04: 00PM, the said Sonu (petitioner herein) came to the petrol pump of the complainant and took away the cash register, daily sales register and all the cash. The said incident was captured in the CCTV installed in the petrol pump. Upon verification with the Chartered Accountant, the complainant found that Sonu (petitioner herein) had embezzled approximately Rs30.00 lacs which necessitated the complainant to approach the Police and lodge a complaint. On 28.07.2024, Sonu (petitioner herein) was called to the Police Station where he admitted to the embezzlement and sought time till 08.08.2024 for returning the money, which was agreed upon in a written settlement. However, he failed to comply and hence instant FIR has been registered against the petitioner.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated in the present case. Learned counsel asserts that the allegations levelled against the petitioner in the impugned FIR are entirely baseless and devoid of any credible or cogent material. Furthermore, the petitioner has no connection whatsoever with the alleged offence. It has been further iterated that the FIR has been lodged primarily on the basis of selective CCTV footage, wherein the petitioner is allegedly seen taking away the cash register and daily sales register and no cash is seen being taken. Furthermore, the complainant has deliberately provided only a limited portion of the CCTV footage, omitting the full day recording which could establish the true context and thereby presenting a

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misleading narrative. It has been further iterated that the allegations of Rs30.00 lacs is stated to be based on the report of Chartered Account yet no such audit report has been placed on record by the complainant. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process. Lastly, it has been further argued that there is no need for custodial interrogation of the petitioner, as nothing incriminating remains to be recovered from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. Conversely, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. He submits that the petitioner, who was working as a Manager at the petrol pump of the petitioner for the last 07 years, used to keep all the accounts of the money transactions. According to learned State counsel, the petitioner has cheated the complainant by embezzling an amount of Rs.30.00 lacs from his petrol pump. Furthermore, the petitioner has admitted to have embezzled the amount and in the presence of the Panchayat sought time to return the misappropriate amount. However, despite the undertaking, the petitioner failed to return the embezzled amount within the stipulated time. He has further contended that in light of the seriousness of the allegations, the custodial interrogation of the petitioner is imperative for a fair and thorough investigation. He has further emphasized that releasing the petitioner on bail at this crucial stage may hamper the ongoing investigation and potentially lead to tampering with



evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. Learned counsel for the respondent No.2-complainant has raised submission in tandem with the submission made by the learned State counsel.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* was lodged on the basis of a complaint filed by the complainant –Sandeep Kumar alleging that the petitioner is alleged to have misappropriated approximately Rs.30.00 lacs from the sale proceeds of his petrol pump by committing acts of criminal breach of trust and cheating. It is further alleged that the petitioner took away the Cash Register, Daily Sales Register and the cash lying at the petrol pump. Furthermore, on 28.07.2024, both the parties were summoned to the police station wherein the petitioner was directed to refund the misappropriated amount. Furthermore, in the presence of the Panchayat, the petitioner voluntarily admitted to having embezzled the amount in question and sought time until 08.08.2024 to return the alleged amount. Subsequently, both the parties mutually consented to the arrangement and a copy of the written Panchayat agreement has also been supplied to this Court by the learned State counsel during the course of the arguments. On a specific query being posed to learned counsel for the petitioner regarding the same, no cogent or satisfactory explanation was



forthcoming which further reinforces the non-committal conduct and lack of bona fide in addressing the serious financial allegations levelled against the petitioner. Furthermore, despite repeated visits of the complainant along with the members of the Panchayat to the residence of the petitioner, he categorically refused to repay the amount and allegedly made threatening remarks and asserting that he would not return the money under any circumstances. The above conduct clearly reflects the non-cooperative and evasive approach of the petitioner and posing a serious hindrance to the ongoing investigation and recovery of the alleged misappropriated amount.

8. The investigation is at nascent stage and the recovery of crucial documentary evidence, including the aforementioned registered coupled with other circumstances detailed in the investigation, points towards the active complicity of the petitioner in the alleged offence and to defraud the complainant. The stand of the State before this Court is that the custodial interrogation of the petitioner is indispensable for the purpose of effectively recovering the siphoned amount. The nature and gravity of the offence, involving defrauding the complainant, necessitate a thorough investigation, which, at this stage, cannot be conducted without the petitioner being in custody. Moreover, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a serious offence. The petitioner, in a calculated and fraudulent manner, proceeded to defraud the complainant.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to



reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the Supreme Court held as under : (SCC p.189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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 informations 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.”

10. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual milieu of the case in hand. Moreover, custodial interrogation of the



petitioner is necessary for an effective investigation & to unravel the truth.
The petition is, thus, devoid of merits and is hereby dismissed.

- 11. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- 12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 29, 2025
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No