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

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**CRM-M-35850-2025
Decided on:10.07.2025**

Harbans Lal**...Petitioner****Versus****State of Haryana and another****...Respondents****Coram : Hon'ble Mr. Justice Rajesh Bhardwaj**

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

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

Rajesh Bhardwaj, J. (Oral)

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.33 dated 19.10.2023, registered under Sections 420, 467, 468, 471, 120-B IPC, at Police Station Cyber Crime, Sonipat.

2. Succinctly, the facts of the case are that the present FIR had been registered on the complaint Sanjeev Kaushik, in which it was alleged that he is an agriculturist and is having his bank account in Sarv Haryana Gramin Bank Branch Kakroi. In his bank account, his mobile number 9050619793 has been registered and from his account, Rs.6,65,600/- through online have been withdrawn on different dates ranging from 14.08.2023 to 23.09.2023, but no SMS has been received by him on his registered mobile number. He lodged online complaint regarding the same on 26.09.2023; however, he never got any SMS of these withdrawals. Thus, he came to know that a fraud had been committed with him by embezzling the amount from his bank account. Request was made to take legal action against the culprits involved. On

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registration of the FIR, the investigation commenced and during investigation, the complicity of the petitioner was *prima facie* surfaced and, thus, he was arrayed as an accused. Apprehending arrest, he approached the Court of learned Additional Sessions Judge, Sonipat for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 05.07.2025. Hence, aggrieved against the said order, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that neither the petitioner has been named in the FIR nor he has committed any offence; however, he has been falsely implicated in the present case. He submits that the petitioner has been implicated on the basis of disclosure statement of the co-accused Hardev Singh, which is not admissible in evidence. It is further submitted that from the disclosure statement of the co-accused, it is apparent that the alleged amount of Rs.6,56,600/- was transferred by Sneha Kaushik, daughter of complainant Sanjeev Kaushik, in the account of Hardev Singh and, thus, no offence, as alleged, is made out against the petitioner. It is also submitted that after a delay of 1 year and 8 months, the police has raided house of the petitioner, which shows his false implication.

4. Notice of motion.

5. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State and has vehemently opposed the bail application and it has been submitted that there are serious allegations against the petitioner and he has been at large for the last two years and further the recovery is also to be effected, therefore, custodial interrogation of the petitioner is must. He, thus, contends that the investigation would seriously prejudice in case the petitioner is granted anticipatory bail. Thus, he submits that the present petition, being devoid of merit, deserves to be dismissed.

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5. After hearing learned counsel for the parties and perusing the available record, it is deciphered that complicity of the petitioner has been surfaced during investigation. As per the case of the prosecution, the petitioner along with his brother, are the beneficiaries of the cyber offence committed. The recovery in the present case also remains to be effected by the investigating agency. Thus, 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.

6. 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;*

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

7. 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 insulated 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.”

8. 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.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioners has been *prima facie* established.

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The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. 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 their favour. Resultantly, the present petition, being devoid of any merit, is hereby dismissed.

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

July 10, 2025
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(Rajesh Bhardwaj)
Judge

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