IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104 **CRM-32653-2025 in/&**
CRM-M-37713-2025 (O&M)

Date of decision: 27.08.2025

Sunil Singh
....Petitioner

V/s

State of Haryana
....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Tarun Dhingra, Advocate for the petitioner.

Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

Mr. Sandeep Singh Ghangas, Advocate for the complainant.

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SUMEET GOEL, J. (Oral)

CRM-32653-2025

This is an application under Section 528 of the BNSS for placing on record certain documents as Annexures A-1 to A-7-B.

For the reasons stated therein, the application in hand is allowed. The documents are taken on record as Annexures A-1 to A-7-B. Registry to page-mark the paper-book accordingly.

CRM-M-37713-2025

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.0104 dated 12.04.2025, registered for the offences punishable under Sections 406/420/467/468/471 of IPC at Police Station Ding District Sirsa.

2. The gravamen of the FIR in question pertains to defrauding the complainant namely Pawan Kumar, son of Prithivi Singh, resident of House

No.91, near Power House, Patli Dabbar, Sirsa, who alleged that he was introduced to one Sunil Singh (Petitioner herein) by Gopi Ram, resident of Uchana. The said Surender Kumar informed the complainant that the Sunil Singh (petitioner herein) was engaged in arranging government employment. On this assurance, the complainant became acquainted with Sunil Singh (petitioner herein), who later informed the complainant about vacancies for the posts of Surveyor and MTS in NCERT, claiming that he could secure appointments for the family members of the complainant. On this pretext, the accused Sunil Singh obtained copies of documents belonging to the wife of the complainant namely Komal and the nephew of the complainant namely Ritesh. Subsequently, the accused Sunil Singh sent a purported 'joining letter' to the complainant via WhatsApp and Email and demanded money in return for facilitating these appointments. Trusting the same, the complainant paid Rs.4,70,000/- to the accused Sunil Singh (petitioner herein) through online transfer and an additional sum of Rs.1,00,000/- in cash. However, upon reporting to NCERT for joining, the complainant discovered that the appointment letters were forged and no such vacancies existed. When the accused-Sunil Singh was confronted, he assured the complainant that he would return the money but despite repeated requests and the lapse of nearly a year, he has failed to do so which necessitated the complainant to file a complaint leading to registration of the present FIR.

3. Learned counsel for the petitioner has iterated that the allegations contained in the impugned FIR are vague, baseless and devoid of any substantive material. The allegations, even if taken at face value, do not

satisfy the essential ingredients which attract the Sections under which the present FIR has been registered. Learned counsel has further submitted that the FIR is nothing but clearly an abuse of the criminal process as the civil transaction has been deliberately given a criminal colour to exert undue pressure upon the petitioner. Furthermore, the FIR does not disclose the commission of any cognizable offence. It has been emphatically argued by the learned counsel that the petitioner has ever fabricated, forged or prepared any documents as alleged. According to learned counsel, the petitioner has no concern whatsoever with the alleged appointment letters received by the complainant through email or WhatsApp. The entire narrative in the FIR is concocted with the sole objective of pressurizing the petitioner financially. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process. Moreover, a substantial portion of the alleged amount has already been repaid by the petitioner through both online transactions and cash deposits at various intervals. It has been further submitted that there is no need for custodial interrogation of the petitioner as he is ready to join investigation and has no criminal antecedents. 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 aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. He has submitted that the allegations levelled in the FIR involving cheating,

forgery and inducement which clearly attract the criminal proceedings. The contention of petitioner that the dispute is purely civil is misconceived and unsustainable. According to learned State counsel, the petitioner in collusion with others, induced the complainant to part with substantial amount of money under the pretext of securing government employment. He has further contended that in light of the seriousness of the allegations, the custodial interrogation of the petitioner is necessary to ascertain the role of all accused persons and to recover the amount involved. 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 complainant has raised submission in tandem with the learned State counsel. Learned counsel has further submitted that even if the petitioner has made partial repayments to the complainant that does not absolve him of criminal liability. Furthermore, the government recruitments is a highly sensitive mater and fabricating appointment letters undermines public faith in institutions.

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* categorically records that the complainant and his family members were induced by the petitioner and his associates to part with huge amount of

money on the pretext of securing employment in a government department and forged appointment letters were circulated through electronic means. Such allegations, on the face of it, disclose the commission of cognizable offences of cheating, forgery and criminal conspiracy.

8. The plea raised by the petitioner that the partial repayment has already been made, is a matter of defence which cannot be examined at this stage. Furthermore, whether the documents were fabricated by the petitioner and whether repayments were made, are all questions of fact which require thorough investigation and evidence and cannot be delved summarily at this stage.

It is trite law that repayment of money does not obliterate the offence of cheating once inducement and deception are *prima facie* established. The contention that the FIR is civil in nature cannot be accepted since the allegations clearly disclose criminality and involve public interest in preventing fraudulent recruitment scams. It is well-settled that anticipatory bail is an extraordinary remedy to be granted sparingly in exceptional cases where the Court is satisfied that the accused has been falsely implicated or that custodial interrogation is wholly unnecessary. The allegations herein are serious and specific, supported by documentary material, and grant of pre-arrest bail at this stage is likely to hamper investigation.

9. The investigation is at nascent stage and the recovery of crucial documentary evidence 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 and his family members.

10. 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. 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 establish 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 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."*

11. 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 conspiracy coupled with the unexplained failure to refund or account for the earnest money.

12. In view of the prevenient ratiocination, it is directed as under:

(i) The petition in hand is dismissed being devoid of merits.

(ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

August 27, 2025
Ajay

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