



CRM-M-37994-2025

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

CRM-M-37994-2025

Decided on: 21.07.2025

Kishore Kumar Thakur

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Randeep S. Dhull, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.26 dated 08.02.2025, registered under Sections 406, 420, 467, 468, 471, 419, 120-B IPC, at Police Station Sector-50, Gurugram.

2. Succinctly, facts of the case are that the FIR in the present case has been registered on the statement of complainant Satyam Baghel, wherein it was alleged that the complainant was studying in BAMS at SRK College of Ayurveda. In September 2023, he received a call on his mobile number 7089701987 from mobile number 8810438475. The caller identified himself as Manjit Singh and claimed that he could get him admitted in MBBS college. On his assurance, on 21.09.2023, the complainant visited Gurugram alongwith his father and went to Sankalp Enlightenment Services, Office No.126, Spaze I-Tech, Tower-B, Sector 49, Gurugram. He was told that the total amount for getting admission in the MBBS Course would be Rs.46 lacs. Then, Manjit Singh took him to another chamber of the office where his senior and owner of the office, namely,



Sandeep Patil was sitting. Sandeep Patil and others claimed themselves to be having contacts with top medical colleges and assured him for admission in MBBS course under the management quota in RG Kar Medical College, Kolkata. Thus, he issued two cheques, one in the name of Sarita Baghel of Rs.6,48,000/- and another in the name of Nizam Baghel for Rs.3,68,000/-. The MoU was signed and filled by Manjit Singh and he asked them to reach Kolkata on 03.10.2023 along with the remaining amount. On 03.10.2023, he travelled along with his father to Kolkata, where Manjit Singh met them near RG Kar Medical College and he took Rs.4 lacs in cash and asked them to visit the college the next day. He also transferred Rs.1 lac through UPI in the account of Sankalp Enlightenment Services. However, on the next day, he called on mobile numbers 8287932303 and 8810437485, but the same were found to be switched off. He returned back to Gurugram and visited office of the accused, which was found closed. He repeatedly tried to contact Sandeep Patil, Manjit Singh and others but failed. Thereafter, he came to know that Sandeep Patil had made a fake company and he had been defrauded for an amount of Rs.15,16,000/- under the pretext of securing admission in the MBBS course. The request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner established and thus, he was arrayed as an accused. Apprehending arrest, the petitioner approached the Court of the learned Additional Sessions Judge, Gurugram for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 05.05.2025. Hence, aggrieved against the said order, the petitioner is before



this Court by of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He submitted that neither the petitioner has been named in the FIR, nor any role has been attributed to him. It is submitted that the petitioner has been implicated in this case only on the basis of presumption and assumption. He has submitted that identity of the petitioner is not even established. He submits that main accused Sandeep Patil has been granted regular bail. It is submitted that the petitioner is ready to cooperate in the investigation and there being no *prima facie* case having been made out against the petitioner, he deserves concession of anticipatory bail.

4. *Per contra*, learned State counsel has opposed the bail application. It is submitted that the investigation is under progress and during investigation conducted so far, complicity of the petitioner and the other co-accused has also been surfaced. It is submitted that the petitioner was working in the office from where the fraudulent activities were being carried out. He submits that the petitioner is alleged to be part of this scam, which helped the primary accused to extract huge amount from the victims. He also submitted that the investigation is at threshold and, thus, no case is made out for grant of anticipatory bail to the petitioner and hence, the present petition, being devoid of merit, deserves to be dismissed.

5. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the petitioner has been found to be the employee in the office where the illegal activities were being carried out. As far as parity with accused Sandeep Patil, he was arrested and thereafter,



was granted regular bail. The petitioner alongwith co-accused in a well hatched manner, duped the complainant with a huge amount. Investigation is going on and custodial interrogation of the petitioner is required to unearth truth.

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;*
 - (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 disintering 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 insulted 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 disintering 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 petitioner has been *prima facie*

established. 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 his favour. Resultantly, the 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.

21.07.2025

sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No