



**102+209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-37301-2025 in/and
CRM-M-38001-2025
Date of decision: 17.09.2025**

SAPAN CHOPRA

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Saurav Verma, Advocate with
Ms. Preeti Grover, Advocate and
Mr. Anshul Pareek, Advocate
for the non-applicant/petitioner.

Mr. Karan Veer Singh, Senior DAG, Haryana.

Mr. Ajay Pal Singh, Advocate
for the applicant/respondent No.2.

SUBHAS MEHLA, J. (ORAL)

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This is an application for placing on record the written statement
on behalf of respondent No.2 in the present case.

Allowed as prayed for.

Written statement in the present case is taken on record, subject to
all just exceptions.

MAIN CASE

Through the instant petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 (for short 'BNSS, 2023'), the
petitioner is seeking grant of anticipatory bail in case bearing FIR No.336
dated 07.06.2025 registered under Sections 406 and 420 of Indian Penal Code,
1860 at Police Station Samalkha, District Panipat.



2. Learned counsel for the petitioner contended that the petitioner has joined the investigation and deposited the disputed amount i.e. Rs.3,00,000/-, as per the directions issued by this Court vide order dated 21.07.2025.

3. On the other hand, learned counsel for respondent No.2 submitted that the matter in hand is not simple in nature as the petitioner has opened an account in the name of M/s Globe Automobiles i.e. imitating the firm of complainant i.e. Globe Automobiles Pvt. Ltd., wherein, he received a huge amount as figured from the bank statement of the account and it runs above Rs.30 lakhs.

4. Learned State counsel opposed the prayer made by learned counsel for the petitioner by submitting that he is required for custodial interrogation as sections of Information Technology Act, 2000 have also been invoked; the petitioner has cheated many persons and received money in his account, which was opened by him just to deceive the people/complainants by saying that payment is made to company account and diverted the payment to some other account. As such, the petitioner is required for recovery of money also.

5. Heard.

6. Keeping in view the fact that the petitioner has received amount in his own account instead of company's account and the amount which is allegedly received by him is more than Rs.30 lakhs, as per the allegations; the account statement has been received from the bank; present petitioner is required for recovery of money, which he has illegally received from the complainants; statement of the complainants are also recorded by the



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investigating agency during investigation. As such, where the custodial interrogation of the petitioner is required, he is not entitled for discretionary relief in view of law laid down by Hon'ble Supreme Court in case titled as **'CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806' decided on 03.08.1997**, wherein it has been held as under:-

"....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."

7. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

8. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

September 17, 2025
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(SUBHAS MEHLA)
JUDGE

- (i) Whether speaking/reasoned
- (ii) Whether reportable

Yes/No
Yes/No