



CRM-M-39240 of 2025

-1-

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

209

CRM-M-39240 of 2025

Date of Decision: 26.11.2025

Anil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rajat Sheokand, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Abhishek Narang, Advocate
for the complainant.

RUPINDERJIT CHAHAL, 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 case FIR No.188 dated 12.06.2025 registered under Sections 406 and 420 of IPC, at Police Station Urban Estate Hisar, District Hisar.

2. Brief facts as per the case of the prosecution are that the petitioner in connivance with other co-accused, under a pre-planned conspiracy, induced the complainant to enter into an agreement to sell on the pretext of selling plot No.48 measuring 146 Sq. Yds. and duped him for a sum of Rs.27 lakhs.

**CRM-M-39240 of 2025****-2-**

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner has no concern or involvement with the alleged plot. He argues that the alleged payment was made on different dates i.e. 17.05.2022, 19.09.2022 and 27.05.2023 and the FIR in question was registered on 12.06.2025 i.e. after an unexplained delay of more than two and a half year, casting serious doubt on the prosecution story. He further argues that the petitioner was only a mediator in the transaction between the complainant and others and there is no allegation against him that he received any money in this regard. He further submits that, as per the prosecution, the entire transaction of Rs.27 lakhs is alleged to have taken place in cash, but the complainant has not produced any proof, either oral or documentary, in this regard. He submits that if the contents of the FIR are taken to be true, even then the present dispute is of civil nature, which has been given a criminal colour by registering false FIR only to harass the petitioner. Moreover, the petitioner has clean antecedents. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Hisar, vide order dated 04.07.2025.

5. On the other hand, learned State counsel, has filed the status report in the matter, which is taken on record and while referring to the same,

**CRM-M-39240 of 2025****-3-**

she has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. She argues that the petitioner is specifically named in the FIR and has cheated and defrauded the complainant for Rs.27 lakhs. She further argues that the petitioner received an amount of Rs.6,50,000/-, 2,50,000/- from the complainant on 19.09.2022 and Rs.4,00,000/- on 27.05.2022 and the receipt thereof is annexed with the reply as Annexure R-5, which itself shows the involvement of the petitioner in duping the complainant under the pretext of selling plot. She has further submitted that during investigation, notice was also issued to the petitioner by the police and the same was not responded by him. She further submits that the custodial interrogation of the petitioner is required for a fair and proper investigation in the matter as well as to unearth the modus operandi of accused to identify other possible victims of similar fraudulent transactions, and to effect recovery of the amount involved in the alleged fraud. Hence, she prays for dismissal of the petition.

6. Learned counsel for the complainant opposes the prayer for grant of anticipatory bail to the petitioner and submits that the petitioner has cheated the complainant by inducing him to enter into an agreement to sell for a plot which he does not even own. Thus, the petitioner does not deserve the concession of bail.

7. Heard.

8. In the present case, the petitioner is specifically named in the FIR and the allegations against him are serious in nature. He is alleged to have cheated and defrauded the complainant for Rs.27,00,000/- under the pretext of selling a plot. As per the reply filed by the State, there are serious



CRM-M-39240 of 2025

-4-

allegations against the petitioner and he is stated to have received an amount of Rs.6,50,000/-, 2,50,000/- from the complainant on 19.09.2022 and Rs.4,00,000/- on 27.05.2022 and the receipt thereof is annexed with the reply as Annexure R-5. The events in entirety indicate towards the existence of a bigger syndicate indulging in dubious activities as a result of which, innocent victims end up being preyed upon by such illusory tactics. The Court is required to consider the overall nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioner with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '*State Vs. Anil Sharma*', (1997) 7 SCC 187, wherein it has been held as under:

"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."

10. Further, the Hon'ble Supreme Court, in case titled as "**P. Chidambaram v. Directorate of Enforcement**", (2019) 9 SCC 24, while dealing with economic offences, has held that the power of anticipatory bail should be sparingly exercised in economic offences. The relevant portion of the judgment is reproduced as under:-

*"77. After referring to Siddharam Satlingappa Mhetre and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar**, the Supreme Court held as under: (SCC p.386, para 19)*

"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty".



Economic Offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain**, it was held that in economic offences, the accuse is not entitled to anticipatory bail.

XXX XXX XXX

83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail”.

11. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

12. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

26.11.2025
D.Bansal

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