



201

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

**CRM-M-48896-2025**

**Date of Decision: 23.12.2025**

**Sachin Sharma****.....Petitioner**

**Versus**

**State of Punjab****....Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. S.S. Bedi, Advocate, for the petitioner (through VC).  
Mr.Raj Karan Singh, AAG, Punjab.  
Complainant Geeta Kumari in person.

**RAJESH BHARDWAJ, J.**

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.97, dated 18.03.2025, under Sections 420, 120-B IPC, registered at Police Station Kharar, District SAS Nagar.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Geeta Kumari. It was alleged that Suman Sharma and Sachin Sharma (petitioner) committed fraud of Rs.35 lacs with the complainant. The complainant met Suman Sharma and she convinced the complainant to invest in her husband's business. Suman Sharma took money from the complainant several times from the past 4-5 years and thus, developed acquaintance with the complainant. However, thereafter, Suman Sharma refused to return the money to the complainant. Thus, prayer was made to



take the legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, SAS Nagar praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, learned Court dismissed the petition filed by the petitioner vide order dated 05.08.2025. Being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. It is submitted that the allegations leveled against the petitioner of cheating the complainant for Rs.35 lacs are without any basis rather, after investment, the petitioner had also returned partial amount of Rs.18 lacs to the complainant. He submits that no offence, as alleged, is made out against the petitioner. He submits that the petitioner has no concern with the alleged offence. He submits that the case is of civil nature. He submits that during the course of arguments, the matter was referred to the Mediation and Conciliation Centre of this Court, as there were chances of amicable settlement. He has submitted that in the facts and circumstances, the petitioner deserves to be granted anticipatory bail.

4. Complainant, who is present in person has opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner had duped her with a heavy amount in connivance with the co-accused. She has submitted that petitioner had sought the interim



protection by this Court on the false promise to settle the dispute amicably. She submits that the petitioner was never keen to settle the dispute amicably as was submitted before this Court. She thus, submits that the petitioner does not deserve the concession of anticipatory bail.

5. Learned State counsel had opposed the submission made by counsel for the petitioner and has submitted that the petitioner had committed cheating in connivance with other co-accused. He submits that the petitioner had induced the complainant by making false promises. He submits that the investigation is at the initial stage and custodial interrogation of the petitioner is required for free and fair investigation. He submits that there are five other cases against the petitioner apart from the present case. He submits that no case for grant of anticipatory bail to the petitioner, is made and thus, the present petition deserves to be dismissed.

6. On hearing of the counsel for the parties and perusing the record, it is apparent that co-accused Suman Sharma convinced the petitioner to invest in the business of her husband, namely Sachin Sharma i.e. the petitioner. There are specific allegations levelled by the complainant against the petitioner and the co-accused of cheating of Rs.35 lacs. Though the matter was referred to the Mediation Centre and granted interim protection to the petitioner, however, as submitted before this Court, the mediation remained unsuccessful. Vide order dated 29.10.2025, counsel for the petitioner submitted that the petitioner was ready to repay the outstanding amount due towards the complainant and



thereafter, on 28.11.2025, learned counsel for the petitioner submitted that the petitioner will bring demand draft of Rs.5 lacs on the next date of hearing i.e. 19.12.2025. However, written request for adjournment was filed on 19.12.2025. It is apparent that despite several opportunities, the petitioner failed to settle the dispute with the complainant. The counsel for the petitioner failed to convince the Court regarding the failure of the mediation as undertaken before this Court. The interim protection granted to the petitioner was only on the undertaking given before this Court that the petitioner was ready to settle the dispute but the same has been misused.

7. The Hon'ble Supreme Court in a recent judgment of '**Gajanan Dattatray Gore Vs. State of Maharashtra, 2025 INSC 913**' has held that bails should not be granted solely on the undertaking given by the accused persons. The relevant part of the same reads as under:-

*'Be that as it may, now we have made ourselves very clear that there shall not be a single order that the High Courts and the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. The plea shall be decided strictly on merits in accordance with law. If the case is made out on merits the court may exercise its discretion and if no case is made out on merits the court shall reject the plea for regular bail or anticipatory bail as the case may be. However, in any circumstances the High Courts or trial courts shall not pass a conditional order of regular bail or anticipatory bail.'*



8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

**“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.”*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-



“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival*



*of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”*

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, 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 ensconced with a favorable 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 informations 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. 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* found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.12.2025  
sharmila

(RAJESH BHARDWAJ)  
JUDGE

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