

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:153335



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CRM-M-50115-2025 (O&M)
Date of decision:06.11.2025

Rajinder Kumar

...Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vikram Rana, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.132, dated 19.05.2025, under Sections 318(4), 316(2), 24 of the BNS, registered at Police Station Nighdu, Karnal.

2. The aforementioned FIR was registered on the basis of the complaint lodged by the complainant – Randeep, alleging that the petitioner had induced him to part with a sum of Rs.42 lakhs on the premise of sending him to America. Some amount of money had been paid by him and the complainant was sent to Dubai from where he had reached at Mexico through route as deposed by the petitioner and his nephew Narinder. On asking of the petitioner, the complainant stayed at Mexico for a period of about two months, where he met some of the persons introduced by the petitioner, who had asked the complainant to give another amount of Rs.5

lakhs for the purpose of reaching USA. On receipt of that amount through the family members of the complainant in India, the petitioner stopped contacting the complainant and his phone number was blocked. It was with great difficulty that they had managed to come back from Maxico to India. By alleging that he had been cheated and fraud was committed with him, he prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated and the same are underway. Apprehending his arrest, he had moved an application for grant of pre-arrest bail, which was dismissed by the Court of learned Additional Sessions Judge, Karnal vide order dated 21.08.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He had not taken any money from the complainant and has no concern with the matter in dispute. There is no direct or indirect evidence to connect him with the crime. Only to pressurize the family members of the petitioner, the complainant had involved him in this case though he has no concern with the transactions. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has been filed by the respondent/State and reply by the complainant has also been filed. It is argued by them that there are serious and specific allegations against the petitioner. He was the mastermind of the crime and had introduced the complainant to part with a huge amount of money on the pretext of sending him to USA. There are details of recorded conversation between the petitioner and the brother of the

complainant showing his complicity in the crime. His custodial interrogation is must, for conducting thorough and proper investigation in the matter. It is, therefore, argued that the petition deserves to be dismissed.

6. This Court has heard rival submissions made by learned counsel for the parties and have carefully gone through the record.

7. The petitioner is alleged to have caused wrongful loss to the complainant to the tune of Rs.42 lakhs by inducing him on the pretext that he would manage to send him to USA. The complainant has relied upon some conversation which was recorded between his brother and the petitioner and which showed his complicity in the crime. The allegations against the petitioner are specific in nature. For the purpose of conducting thorough and deeper probe in the matter, custodial interrogation of the petitioner is must. Even otherwise, the petitioner has failed to make out any case for showing that there is any exceptional or extraordinary circumstance making out a case for grant of pre-arrest bail in his favour. It is well settled that anticipatory bail to an accused can be granted in exceptional circumstances only as a person couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge. In case custodial interrogation of the petitioner is denied to the Investigating Agency, that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation.

8. In view of the above discussed facts and circumstances, this Court is not inclined to grant concession of pre-arrest bail to the petitioner.

9. Accordingly, the petition is dismissed.

10. It is, however, clarified that nothing stated above shall have any

bearing on merits of the case.

11. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

06.11.2025
harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No