



CRM-M-51506-2025

-1-

(213A)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51506-2025

Date of decision : 23.09.2025

MUNNA PRASAD @ MUNNA PRASAD KHARWAR

... Petitioner

Versus

STATE OF HARYANA & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.92 dated 15.03.2022 registered under Sections 34/406/420/506 IPC, 1860 (Section 120-B of IPC added later on) at Police Station Matlauda District Panipat, Haryana.

2. The present FIR came to be registered at the instance of Rajesh Kumar S/o Balbir Singh and the same reads as under:-

“Sir, one application bearing no. 37-5P II dated 10.01.22 has been received at the Police Station, and the contents of the same are as follows:- To S.H.O. Sahib, P.S. Matlauda, Subject: Cheating committed on the pretext of providing job, and seeking legal action against the accused. Sir, it is submitted that I am Rajesh Kumar s/o Balbir Singh r/o Village Matlauda, Tehsil Matlauda, District Panipat. That, Vicky s/o Shri Gulab Singh who stays at the Delhi Farm in Matlauda,



CRM-M-51506-2025

-2-

used to come for receiving tuition in September 2018, stated that his uncle (Mama Munna Prasad who resides in Banaras has told him that if any youth is interested in getting a job in the Railways or Patna High Court then he should contact him as he has good relations with Ministers and other influential persons. Vicky then contacted Munna Prasad via mobile number 7985841200 and made me talk to him for my job. Then three persons came to Matlauda in September 2018, namely Kaushal Kumar s/o Rajiv Ranjan Singh of Village Salimpur P.O. Jhabra, District Rohtas, Bihar, Sasaram @ Dalip Kumar Khewat s/o Sh. Gama Khewat of Village Jevri (Mare) P.O. Panchilravi, P.S. Durgavati, District Kaimur (Bhunbhya) and Munna Prasad of Banaras. These three (3) person came in September 2018, and stayed for one day at Vicky's residence, who in turn stays at the Delhi Farm, and stayed for one day in my home. They made me speak with Judge Sahib Rajiv Ranjan whose phone number is 9135322606, and also with Judge Sahib Ameshwar Prasad Sahi whose phone number is 7061960679. I do not know if the Judge is actual or fake. That they spoke about my job as well as the job of Sangeeta w/o Bijender Singh. At that time Tejbir Singh r/o Israna, Sher Singh, Shri Krishna r/o Thirana, Bijendar Singh s/o Chattar Singh were present, when I gave 10 Lakhs to Munna Prasad, Dalip Khewat and Kaushal Kumar Mehta. Kaushal Kumar gave me cheques worth were 10 Lakhs as security, bearing nos. 024121, 122, 123, 132, 133. This money was given on 2nd October, then again on 10th October ₹20,000/- transferred into the account of Maya Devi. Kaushal Kumar showed me the online result on the website of the Patna High Court and demanded money. Munna Prasad, Dilip Kumar Khewat and Kaushal Kumar Mehta pressured me to transfer the money, by stating that if I do. Not transfer more money, then the amount of Rs.10,20,000/- shall be forfeited, and you shall not be permitted to join. Then they gave me different Bank Account numbers, including that of Dhiraj



CRM-M-51506-2025

-3-

Kumar bearing no. 35387656676 at the State Bank of India, in which I transferred ₹ 85,000/-, and 4,80,000/- were transferred by me into the Bank account no. 32021564182 of State Bank of India belonging to one Manish Kumar, I transferred 6,20,000/- into Bank account no. 33752983885 of Maya Devi in the State Bank of India, thereafter 80,000/- in Bank Account no. 31272576507 of one Amit Prasad in the State Bank of India, Kaushal Kumar has Bank Account no. 603302010005207 in Union Bank, and I have forgotten the Bank Account number of Dilip Khewat wherein I had transferred ₹ 40,000/-. I had transferred the abovesaid amounts through Bank Agents Rahul Sharma and Karambir Singh and 1,60,000/- was transferred in the Bank Account of Rajesh Kumar. I transferred funds into the Bank Account specified by me above-mentioned between 2nd October 2018 to 16th January 2019. As soon as I had sent the money, after a few days, joining letters for the post of Clerk in Patna High Court was sent to me through WhatsApp for Rajesh Kumar s/o Shri Balbir Singh and Sangeeta w/o Bijendar. I, Rajesh Kumar s/o Balbir Singh along with Vicky reached Patna on 18th January 2019 for joining. There Kaushal Kumar Mehta s/o Rajiv Ranjan, Shubham Kumar, Maya Devi, Ujjain @ Kumar @ Bhuvneshwar Prasad, Munna Prasad, Amit Kumar, a Nanda Devi, Dalip Khewat, Rajiv Ranjan, Manish Khewat, Gunga Khewat and Ajay Pandey were present. They made us sit in jeep and snatched all documents and made us sit for two hours and kept kicking and punching us. Out of fear I stated that I do not want my money and neither do I want any job, and thereby saved my life and returned to Matlauda. I told my family members about the entire episode and contact them, and I demanded my money from them. They threatened me with my life when I asked for my money and stated that if I ever come to Bihar I shall not be spared. They have cheated me for an amount of Rs.23,50,000/- and it is requested that

**CRM-M-51506-2025****-4-**

legal action be initiated on my application. I shall be ever grateful. Applicant Sd/- Rajesh Kumar.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has not allured the complainant nor committed any offence in question. One Kaushal Kumar has given the cheques in lieu of Rs.10 lakhs received from the complainant. A co-accused namely Dheeraj Kumar has been granted the concession of anticipatory bail vide order dated 19.08.2025 (Annexure P-3). As the petitioner is ready and willing to join investigation, he is entitled to the similar relief as well.

4. A status report dated 19.09.2025 by way of an affidavit of Atma Ram, HPS, Deputy Superintendent of Police, Panipat has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner is duly named in the FIR as per which it was he who had told the complainant that he would put him (complainant) in contact with certain persons who were influential in order to provide a job to him (complainant) or any other youth either in the Railway Department or the Patna High Court. On the instructions of the petitioner, co-accused Kaushal Kumar and Dalip Khewat, the complainant had got around Rs.6,20,000/- deposited in Kaushal Kumar's mother co-accused Maya Devi's SBI Bank Accounts on different dates. Co-accused Kaushal Kumar and Dalip Khewat had got deposited Rs.79,200/- in the bank account of co-accused Dheeraj Kumar through someone known to the



CRM-M-51506-2025

-5-

complainant. In fact, the petitioner, Kaushal Kumar, Dalip Khewat and Rajiv Ranjan have made the complainant deposit money in different accounts of their known persons by promising him a job. Dheeraj Kumar has been granted the concession of anticipatory bail only because as against a sum of Rs.79,200/- deposited in his account, he has returned a sum of Rs.1,17,000/- to the complainant. As the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required and therefore, the petitioner is not entitled to the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** 2022 Live Law (SC) 870 held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation,



we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial***



CRM-M-51506-2025

-7-

interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

7. As per the allegations, it was the petitioner who spoke to the complainant and enticed him with the promise of a Government Job either for him or for youth known to him (complainant). In furtherance of the same, the complainant has paid a sum of Rs.23,50,000/- to different accused persons with a view to obtain a Government job. As the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

8. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

23.09.2025
JITESH

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