



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

107

CRM-M-52355-2025

Date of Decision : 17.09.2025

HIMANSHU KHATRI

.... PETITIONER

V/S

STATE OF HARYANA

.... RESPONDENT

CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA

Present : Mr. Sahil Goel, Advocate
for the petitioner.

Mr. Karan Veer Singh, Sr. DAG, Haryana.

Mr. Abhinav Sood, Advocate
for the complainant.

SUBHAS MEHLA, J. (Oral)

1. Prayer is for grant of anticipatory bail to the petitioner in case bearing FIR No.41 dated 04.02.2025 registered under Sections 318(4), 316(2) and 3(5) of BNS, 2023 at Police Station Faridabad Central, Faridabad.

2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and has no nexus with the alleged offence. Learned counsel further argued that there is nothing against the petitioner that he has committed cheating with complainant Kavita Kaur. Learned counsel further submitted that the entire dispute is of a civil nature arising out of a property transaction and no custodial interrogation of the petitioner is required as nothing is to be recovered from him. The petitioner



has clean antecedents, is not a proclaimed offender and undertakes to join investigation and abide by all conditions imposed by this Court.

3. Notice of motion.

4. Mr. Karan Veer Singh, Sr.DAG, Haryana, accepted notice on behalf of respondent-State and opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner alongwith co-accused cheated the complainant and committed fraud with her to the tune of Rs. 29,84,733/-. It was further contended that the allegations levelled against the present petitioner are serious in nature and his custodial interrogation is necessary for effecting recovery of the cheated amount. Learned counsel also argued that the petitioner is facing trial in two other similar FIRs at Faridabad. Thus, the petitioner does not deserve the concession of anticipatory bail.

5. Heard.

6. The allegations against the present petitioner are that he along with his brother Deepanshu Khatri cheated the complainant and received a huge amount on the pretext of sale of a flat which does not belong to them but belong to some other person. It is also the allegation against the present petitioner that he prepared forged and fabricated documents and signed as Deepanshu. The custodial interrogation of the present petitioner is required for collection of evidence regarding handwriting specimen and recovery of amount and a mobile phone. Thus, he is not entitled to the discretionary relief of anticipatory bail as held by Supreme Court in “*State represented by the C.B.I. Thomas, JJ. Vs. Anil Sharma, Criminal Appeal No.811 of 1997 [Arising out of SLP (Crl.) No.1127 of 1997], decided on 3.9.1997*” relevant whereof reads as under:



“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation orientated 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 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 would not conduct themselves as offenders.”

7. The custodial interrogation of the petitioner is necessary in the given circumstances. Accordingly, the petition is dismissed.

(SUBHAS MEHLA)
JUDGE

17.09.2025
anju

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No