



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-60201-2025  
Date of Decision : 26.11.2025

SUNDER

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Abhinav Sood Advocate  
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

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AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, an accused in case FIR No.174 dated 27.07.2025 registered against him, for commission of offences punishable under Sections 340(2), 338, 336(3), 318(4) of BNS at Police Station Sadar Palwal, District Palwal, has prayed for grant of pre-arrest bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

*Amit, son of Teeka Ram, resident of Village Deegot, District Palwal, set the criminal law in motion by filing a complaint alleging therein that Anil, son of Pappu, a co-villager, is engaged in illegal activities of preparing forged family ID wherein, incorrect date of birth, income etc. of various recipients are mentioned. In this way Anil is running a racket of facilitating family pension to ineligible persons by misusing Aadhar card, passbook of bank, etc. He charges Rs.25,000/- to Rs.40,000/- to get a single*



pension approved. He is well-known in the area for tampering with the family ID, wherein he incorrectly mentions their age and other relevant details. Complainant further alleged that the aforesaid Anil uses some unauthorized software to commit these fraudulent acts. By these deceitful means, he has prepared a forged pension card of his own father Pappu and paternal uncle, who though are ineligible for grant of pension, as they are aged 50 and 41 years, respectively. Several other persons have also been benefited by him illegally. In this manner, huge loss has been caused to the State Exchequer. Primarily with this backdrop, complainant requested to enquire into the matter and to find out the details of various males and females, who have illegally availed this benefit from 2023.

On the basis of the said complaint, a formal case vide FIR No. 174 dated 27.07.2025, u/s 340(2), 338, 336(3), 318(4) of BNS, was registered against the petitioner.

3. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail, before the learned Additional Sessions Judge, Palwal. The same was dismissed, in terms of order dated 17.10.2025. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He never facilitated grant of old age pension to ineligible persons. The complaint has been lodged with an ulterior motive by complainant, who is none else but the nephew of the present petitioner. Relations between the two families are not cordial as several litigations are pending between them. Further, he(P) never received any old age pension, neither withdrew any such amount from his bank account. Continuing further, learned counsel submits that taking into consideration the entire facts,



the learned Additional Sessions Judge, Palwal, granted the concession of interim bail to petitioner, who joined the investigation but on the statement of Investigating Officer that the consent form bears the credentials of the petitioner and an OTP required for sanction of the pension was delivered on his mobile phone which could not have occurred without his(p) knowledge and active participation, the concession of interim anticipatory bail was wrongly declined. Learned counsel further submits that petitioner being permanent resident of Village Deeghot, all the documents being in possession of Investigating Officer, the custodial interrogation of the petitioner is not needed.

Nonetheless, the petitioner is willing to join the investigation as and when called for by the Investigating Officer. With these submissions, learned counsel prayed for allowing the present petition.

5. *Per contra*, Status Report dated 16.11.2025 by way of affidavit of Mr. Narender Kumar, Deputy Superintendent of Police, Palwal, has been filed on behalf of the respondent-State, which is taken on record, wherein it has been mentioned that after lodging of the FIR, it came to the notice of the Investigating Officer that petitioner along with his nephew – Anil facilitated grant of old age pension by wrongly mentioning the recipients' age, income etc. It further came to the notice of IO that petitioner has even wrongly mentioned his own date of birth as 01.01.1964 instead of his actual date of birth (01.01.1984). Even the consent form bears the credentials of petitioner and OTP required for sanction for pension was delivered on his mobile. These entire incriminating material collected during investigation, as per learned State counsel reveal that petitioner is actively involved in this racket. It cannot be presumed that he was not aware of the OTP sent on his mobile phone. It has, thus, been prayed that custodial interrogation of the petitioner is needed to find



out, who all are involved in the racket, as also to unearth the complete chain of fraud, to recover the forged documents and devices used for manipulating family ID, as also to find out/trace the financial trail of illegally disbursed pension funds. Dismissal of the petition was prayed for.

6. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in **"P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**, has observed as under:-

*"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."*



Hon'ble the Supreme Court while deciding the case titled as **"Ms. X Vs. The State of Maharashtra and another", (2023 SCC Online SC 279)** held as under:-

*"11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.*

12. *In **Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*

*"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*



(v) *character, behaviour, means, position and standing of the accused;*

(vi) *likelihood of the offence being repeated;*

(vii) *reasonable apprehension of the witnesses being influenced;*  
*and*

(viii) *danger, of course, of justice being thwarted by grant of bail.”*

7. Facts of the case in hand have been highlighted in para 2 of the order. In view of the submissions advanced by learned State counsel and documents placed on record, the Court is of the opinion that custodial interrogation of petitioner is necessary to find out as to how this racket of facilitating the grant of family pension to ineligible persons was being operated by petitioner, who all were involved, what was their *modus operandi* and who has been benefited.

It is settled that the relief of anticipatory bail is to be granted only if petitioner/accused is able to make out the case of exceptional depravity/hardship in his favour.

In view of the reasons recorded hereinabove, the Court is of the opinion that petitioner, has not been able to make out the case of exceptional depravity/hardship in his favour, entitling for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)  
JUDGE

26.11.2025  
Nisha Yadav

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| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |