



**In the High Court for the States of Punjab and Haryana
at Chandigarh**

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CRM-M-61973-2025 (O&M)
Date of Decision:- 06.11.2025

Azizur Rahman ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Sudhir, Advocate for the petitioner.
(through video conferencing)

SUBHAS MEHLA, J. (Oral)

1. The instant petition under Section 438 of Cr.P.C. (482 of BNSS, 2023), has been filed for grant of anticipatory bail to the petitioner in case FIR No.0169 dated 15.04.2025, registered under Sections 406, 420, 506 and 120-B of IPC, at Police Station City Sohna, Gurugram.
2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present FIR. It is further contended that the co-accused, namely, Sayyed Mohd. Bilal had taken a loan from present petitioner and said co-accused had simply returned loan amount and Rs.2,30,000/- credited to the account of the petitioner towards loan repayment. It is further contended that there is a huge delay in getting registered the FIR as the funds are alleged to have been transferred by the complainant between 15.04.2023 and 19.10.2023, however, the FIR was registered on 15.04.2025, i.e. after a delay of 544 days, which itself shows that financial transaction between complainant and main accused Sayyed Mohd. Billal is sought to be given colour of criminal offences. It is further

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(2)

contended that the petitioner has no criminal antecedents and is ready to join the investigation, thus, he prayed for grant of anticipatory bail to the petitioner.

3. Notice of motion.

4. Mr. Aditya Pal Singla, AAG, Haryana, puts in appearance as advance copy of petition had been served to respondent-State. Learned State counsel has vehemently opposed the anticipatory bail petition and submits that the petitioner is specifically named in the FIR and specific allegations are levelled against the accused persons, who have cheated the complainant of Rs.20,16,900/- and an amount of Rs.2,30,000/- was credited in the account of the petitioner. It is further submitted that the petitioner is required for custodial interrogation as well as for recovery of money, thus, he prayed for dismissal of anticipatory bail application of the petitioner.

5. Heard.

6. Keeping in view the allegation against the petitioner is that he has received a cheated amount from co-accused in his bank account and the prosecution has documentary proof regarding these transactions as his account was seized, however, the money has already been withdrawn, hence, this Court finds that the petitioner is required for custodial interrogation for recovery purpose and for an effective investigation, hence, this Court is not inclined to grant the relief of anticipatory bail to the petitioner. It is an extraordinary remedy which can be granted only in rare cases where the accused is prima facie deserving of the said relief, and no such circumstances are made out in the present case.



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7. Custodial interrogation of the petitioner is required in view of law laid down by the Hon’ble Supreme Court in case titled as ‘**CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806’ decided on 03.08.1997**, as under:-

“....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.”

8. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

9. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court on the merits of the case.

06.11.2025
Geeta

(SUBHAS MEHLA)
JUDGE

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