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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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Date of decision: 06.11.2025

Naresh Kumar

....Petitioner

V/s

The State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. R.K. Choudhary, Advocate for the petitioner.

Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

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**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.219 dated 17.07.2025 registered for offences punishable under Sections 406, 420 and 506 of IPC at Police Station Ambala City, District Ambala (Haryana).

2. The prosecution case, in brief, is that a written complaint was lodged by Gulshan Kumar against the petitioner Naresh Kumar, alongwith Shiva Kumar and Ganesh, alleging fraud, misappropriation of money, and criminal intimidation. The complainant alleged that the aforesaid accused persons cheated him of a sum of ₹4,48,200/- by inducing him on the false pretext of arranging a Government job for one of his relatives, but thereafter failed to fulfill their promise. Despite repeated requests, neither was the promised job arranged nor was the amount returned. It is further alleged that when the complainant demanded the return of his money, the accused flatly refused and criminally intimidated him with threats to his life. Thus, the



complainant was allegedly duped, and on the basis of these allegations, the instant FIR came to be registered and the investigation ensued.

3. Learned counsel for the petitioner has iterated that the allegations in the FIR are false, concocted and mala fide. The petitioner has no connection whatsoever with the alleged transaction and has been falsely implicated with an ulterior motive to exert pressure upon him. Learned counsel has further asserted that no promise of securing a government job was ever made by the petitioner and that the entire narrative projected by the complainant is fabricated. According to learned counsel, in the absence of any substantive or cogent material, the prosecution case is nothing but an abuse of the process of law. It is further urged that the essential ingredients of Section 420 IPC are not attracted, as no dishonest intention can be attributed to the petitioner at the inception of the alleged transaction, and at best, the dispute is civil in nature. Learned counsel additionally submits that the petitioner has clean antecedents, is ready to join and cooperate with the investigation and that there is no possibility of his absconding or tampering with the prosecution evidence in the event he is granted the concession of pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that allegations are serious in nature and involve offences of cheating, criminal breach of trust and intimidation. According to learned State counsel, the petitioner, in active connivance with co-accused persons induced the complainant to part with a substantial amount of money on a



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false pretext of arranging government job thereby committing a premeditated financial fraud. Learned State counsel has emphasized that the evidence collected so far suggests dishonest intention at the inception thereby attracting the provisions of Section 420 of IPC and his custodial interrogation may be necessary to trace the money trail, identify other possible accused persons and collect documentary evidence. Furthermore, learned State counsel has submitted that in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been leveled against the petitioner. The allegations in the FIR indicate that the complainant was induced to pay a sum of Rs.4,48,200/- by the petitioner and his associates on the pretext of arranging a government job for his relative. The money was neither refunded nor was any job arranged. When the complainant demanded his money back, he was allegedly threatened with dire consequences. The material which has come on record discloses that the allegations against the petitioner are not vague or general but are specific, supported by details of payments. At the stage of considering the plea of anticipatory bail, the Court is not required to conduct a meticulous examination of evidence but only to assess whether a *prima facie* case is made out or not. In the considered opinion of this Court, the offence alleged is not merely of a civil nature but involves criminal intent



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from the inception as the complainant was deceived into parting with his money under a false pretext. At this stage, the investigation is still underway and the custodial interrogation of the petitioner is essential to trace the financial flow, recover relevant documents and ascertain the involvement of other individuals. The seriousness of the allegations, the involvement of the petitioner in inducing the complainant as also the money trail weigh heavily against the grant of anticipatory bail to the petitioner.

7. It is well settled with economic offences involving cheating and misappropriation are to be treated as serious offences affecting not only the individual complainant but also public confidence in financial dealings. It is trite law that anticipatory bail is an extraordinary remedy not to be granted as a matter of course, particularly in cases involving heinous offences. While considering anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. Moreover, the plea that the dispute is civil in nature cannot be accepted at this stage, as the allegations *prima facie* disclose deception and dishonest intention at the inception which constitute the essential ingredients of Section 420 of IPC. The investigation is ongoing and to identify the other possible accused persons, this Court does not consider it appropriate to grant bail at this nascent stage. In the considered opinion of this Court, granting anticipatory bail to the petitioner at this stage may likely to hamper the ongoing investigation. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.



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8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

*“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented 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 a 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 task of disinterring offences would not conduct themselves as offenders.”*

9. Considering the seriousness of the allegations, the nature of the offence and the stage of investigation as also the necessity of custodial



interrogation to discover the entire chain of events, recovery of the amount in question and identify the other beneficiaries of the fraud, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
  - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
  - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)  
JUDGE

November 06, 2025  
*Ajay*

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