

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

2025.PH.IC.156008



(103)

CRM-M-63260-2025

Richhpal Kaur and another

.....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

Decided on : 18.11.2025

Date of uploading: 18.11.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Lakhwinder Singh Dandiwal, Advocate for the petitioners.
Mr. Tarun Aggarwal, Addl.AG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioners in case bearing FIR No.219 dated 09.09.2025, registered for the offences punishable under Sections 420, 406 and 120-B of IPC at Police Station City Ratia, District Fatehabad.

2. The gravamen of the FIR in question pertains to defrauding the complainant namely Chhinderpal Kaur wife of Mandeep Singh, resident of village Kunal, Tehsil Ratia, District Fatehabad who in her complaint has alleged that the petitioners (herein) had taken a sum of ₹3,70,000/- from her on the pretext of securing employment for her son Harjeet Singh in the Indian Army. However, despite taking the money, the accused failed to secure his recruitment. She has further stated that out of the total amount, the petitioners allegedly returned ₹70,000/-, leaving a balance of ₹3,00,000/-. It is further stated that an agreement was entered into between the parties

regarding the outstanding amount, and Balwinder Singh, Ex-Sarpanch of Village Digoh, and Lakhbir Singh, resident of Mirana, took responsibility for ensuring repayment. The agreement was recorded at Police Station Ratia; however, while reducing it into writing, the amount was incorrectly mentioned as ₹2,00,000/- instead of ₹3,00,000/-. The petitioners had agreed to clear the outstanding amount by 15.12.2021, but they allegedly paid only two installments of ₹2,500/- each and thereafter stopped making payments. The complainant further stated that despite repeatedly approaching Balwinder Singh and Lakhbir Singh, who had undertaken responsibility for repayment, they kept delaying the matter and continued giving assurances, but no further amount was returned to her. On the basis of the aforesaid complaint, instant FIR has been registered against the petitioners and investigation ensued.

3. Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated into the FIR in question. It is further submitted that the petitioners had not taken a single penny from the complainant by way of cash and in account. It is also argued that no specific role has been attributed to the petitioners except vague and general allegations regarding taking money, and the complainant herself states that she repeatedly approached the persons who had taken responsibility—Balwinder Singh and Lakhbir Singh—rather than the present petitioners. Learned counsel asserts that the allegations levelled against the petitioner in the impugned FIR are entirely baseless and devoid of any credible or cogent material. Furthermore, the petitioners have no connection whatsoever with the alleged offence. It has been further iterated that no specific role whatsoever has been attributed to the petitioners. Furthermore, the dispute,

of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process. Lastly, it has been further argued that there is no need for custodial interrogation of the petitioners, as nothing incriminating remains to be recovered from them. Moreover, there is no likelihood of the petitioners absconding from the process of justice. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. Conversely, learned State counsel has opposed the grant of anticipatory bail to the petitioners by arguing that the offence committed by the petitioners is serious in nature. It is argued that the petitioners had dishonestly induced the complainant on the pretext of securing employment for her son in the Indian Army. He has further contended that in light of the seriousness of the allegations, the custodial interrogation of the petitioners is imperative for a fair and thorough investigation. He has further emphasized that releasing the petitioners on bail at this crucial stage may hamper the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

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 levelled against the petitioners. The FIR in question was lodged on the basis of a complaint filed by the complainant. The allegations against the petitioners are serious in nature, involving cheating and wrongful inducement under the pretext of securing a government job for her son in the Indian Army. The petitioners acting in

connivance with each other, dishonestly induced the complainant with a

substantial amount of ₹3,70,000/- by giving her false assurances regarding the recruitment of her son. The investigation is at nascent stage and the nature and gravity of the offence, involving defrauding the complainant, necessitate a thorough investigation, which, at this stage, cannot be conducted without the petitioners being in custody. Moreover, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a serious offence. The petitioners, in a calculated and fraudulent manner, proceeded to defraud the complainant.

7. 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 interest(s). 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. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioners. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusation of the petitioners. Thus, it is not appropriate to grant anticipatory bail to the petitioners, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

8. Accordingly, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual milieu of the case in hand. Moreover, custodial interrogation of the petitioners is necessary for an effective investigation & to unravel the truth.
9. In view of the prevenient ratiocination, it is directed as under:
- (i) The petition in hand is dismissed being devoid of merits.

(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 18, 2025
Naveen

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