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

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Date of Decision: 12.12.2025

Rakesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Amit Chaudhary, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Ms. Prabhjot Kaur, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.456 dated 07.09.2025 registered under Sections 420 and 406 of IPC, at Police Station City Sirsa, District Sirsa.

2. Brief facts as per the case of the prosecution are that the petitioner along with other co-accused, under a pre-planned conspiracy, duped the complainant for a sum of Rs.45 lakhs, on the pretext of securing an HCS job for his son-Jaiveer. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern or

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involvement with the alleged fraud. He argued that the alleged payment of Rs.45 lakhs was made in cash on 18.11.2023 and the FIR in question was registered on 07.09.2025 i.e. after an unexplained delay of 01 year and 10 months, casting serious doubt on the prosecution story. He further argued that the petitioner only introduced the complainant with the main accused- Purshotam Soni and there is no allegation against him that he received any money in this regard. He further submits that, as per the prosecution, the entire transaction of Rs.45 lakhs is alleged to have taken place at the house of co-accused Purshotam Soni at Zirakpur and not at the shop of the petitioner at Sirsa. He further argued that the dispute in the present case is of civil nature, which has been given a criminal colour by registering false FIR only to harass the petitioner because he is the brother-in-law of co-accused Purshotram Soni. He further argued that in his affidavit (Annexure P-2), Purshotam Soni has categorically admitted by co-accused Purshotam Soni that the present petitioner has no role to play in the alleged money transaction, giving clean chit to the petitioner from the said crime. Moreover, the petitioner has clean antecedents. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency. Hence, he prays that present petition be allowed.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Sirsa, vide order dated 06.11.2025.

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5. On the other hand, learned State counsel, while relying upon the status report, has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. She argued that the petitioner is specifically named in the FIR and has cheated and defrauded the complainant for Rs.45 lakhs on the pretext of securing an HCS job for his son. She further argued that the petitioner has played an active role in the fraud as the meeting with complainant took place at the cafe of petitioner and he has facilitated the entire fraud. She has further submitted that during investigation, notices were also issued to the petitioner by the police and the same were not responded by him. She further submitted that the custodial interrogation of the petitioner is required for a fair and proper investigation in the matter as well as to unearth the modus operandi of accused; to identify other possible victims of similar fraudulent transactions, and to effect recovery of the amount involved in the alleged fraud. Hence, she prays for dismissal of the petition.

6. Learned counsel for the complainant opposes the prayer for grant of anticipatory bail to the petitioner and submits that the petitioner has cheated the complainant for a sum of Rs.45 lakhs by inducing him to secure a job for his son-Jaiveer. Thus, the petitioner does not deserve the concession of bail.

7. Heard.

8. In the present case, the petitioner is specifically named in the FIR and the allegations against him are serious in nature. He is alleged to have cheated and defrauded the complainant for Rs.45,00,000/- under the pretext of securing a job for his son. As per the reply filed by the State, the



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petitioner in collusion with co-accused had deceived the complainant and played an active role in the crime. The events in entirety indicate towards the existence of a bigger syndicate indulging in dubious activities as a result of which, innocent victims end up being preyed upon by such illusory tactics. While considering the plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioner with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

9. 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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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."

10. Further, the Hon'ble Supreme Court, in case titled as "**P. Chidambaram v. Directorate of Enforcement**", (2019) 9 SCC 24, while dealing with economic offences, has held that the power of anticipatory bail should be sparingly exercised in economic offences. The relevant portion of the judgment is reproduced as under:-

*"77. After referring to Siddharam Satlingappa Mhetre and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar**, the Supreme Court held as under: (SCC p.386, para 19)*

"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enrope in the crime and would not misuse his liberty".

Economic Offences



78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain**, it was held that in economic offences, the accuse is not entitled to anticipatory bail.

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83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail”.

11. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

12. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

12.12.2025
D.Bansal

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