

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

2025.PHHC-172707



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CRM-M-69448-2025

Date of decision: 09.12.2025

Date of uploading: 11.12.2025

Resham Singh

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Randeep Singh Dhakla, Advocate for the petitioners.

Mr. Tarun Aggarwal, Addl.AG, Haryana.

Mr. Shiv Kumar, Advocate for the complainant.

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 petitioner in case bearing FIR No.404 dated 28.11.2025, registered for the offences punishable under Section 308(4), 61(2) of BNS, 2023, at Police Station Nissing, District Karnal.

2. The gravamen of the FIR is that on the complainant Subhash Chander, who claims to be working as a Priest/Astrologer for the past nearly 50 years, was approached by one Guddi Devi, wife of the present petitioner. At the relevant time, the complainant was present at the residence of Mahinder, son of Bal Singh, along with Ved Parkash, also son of Bal Singh, for the purpose of performing a pooja. The complainant alleges that accused

Guddi Devi called him on the pretext of showing her horoscope, whereupon

he reached her residence, where the petitioner (herein) alongwith one Priyanka (wife of Sandeep) were already present. The complainant has further stated that Sandeep was heavily intoxicated and expressed his desire for horoscope consultation, to which the complainant responded that he would undertake the same once Sandeep was out of influence of liquor. Thereafter, at around 10:00–11:00 AM, accused Guddi allegedly asked the complainant to step into the courtyard to discuss matters relating to Vastu of her house. At that stage, the petitioner (herein) and Sandeep are said to have left the place, leaving behind Priyanka, who was occupied with her mobile phone while seated on a chair, and the complainant, who sat upon a bed. It is further alleged that accused Guddi then touched him inappropriately and solicited sexual intercourse, to which he expressed his inability on account of being diabetic. When the complainant attempted to leave, Guddi allegedly misbehaved with him and a scuffle ensued. Priyanka is stated to have, in the meantime, recorded certain video clips without his consent. The complainant thereafter returned to his home. Thereafter, at about 01:00 PM, the complainant received a phone call from accused Geeta, who informed him that they had recorded a video clip and demanded money, threatening to defame him by circulating the video on WhatsApp if he failed to comply. It is further alleged that the complainant under fear yielded to the abovesaid illegal monetary demands. On 27.11.2025, at about 05:00 PM, he again received a demand for money. Acting upon his application, the SDM, Karnal was appointed as Duty Magistrate and joined the police team. A trap was laid and when the complainant handed over ₹10,000/- in the denomination of ₹500/- currency notes, accused Guddi Devi was apprehended at the spot with the said money in her possession. On the basis of the aforesaid allegations,

the instant FIR came to be registered against the accused persons.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated, as no specific role has been attributed to him in the alleged offence. Learned counsel appearing for the petitioner has urged that the petitioner has never demanded any money from the complainant, nor are there any direct or specific allegations against him. It is further submitted that the only specific role is attributed to co-accused Guddi Devi, who stands arrested and recovery has also been effected from her. It is the case of the petitioner that being merely the husband of accused Guddi Devi, he has been unnecessarily roped in, despite there being no act on his part in the commission of the offence in question. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, nothing is to be recovered from the petitioner and he is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioner be granted the concession of the anticipatory bail.

4. *Per contra*, the learned State Counsel assisted by Mr. Shiv Kumar, counsel for the complainant opposed the grant of anticipatory bail to the petitioner by arguing that the offence is of a serious nature. It was further contended that the allegations contained in the FIR reveal a well-planned criminal conspiracy hatched by the accused persons to exploit and extort money from the complainant by recording his video without consent and thereafter threatening to defame him. He has further submitted that the sequence of events, as narrated in the complaint by complainant, clearly indicates that he was first lured to the spot on the pretext of horoscope consultation, and thereafter, the accused persons, in furtherance of their

common intention, allegedly acted in concert, culminating in the subsequent demand for money. He has further argued that the role of each accused, including the present petitioner, is subject matter of investigation and cannot be brushed aside at this nascent stage. It is further submitted that investigation is at a nascent stage and, therefore, custodial interrogation of the petitioner may be necessary to ascertain involvement of other co-accused, if any. Learned State counsel has further iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. According to learned State counsel, in case the petitioner is granted the concession of pre-arrest, at this stage, it may impede the ongoing investigation.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.
6. It would be apposite to refer herein to a judgment of the Hon’ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in ***Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]*** , it was held as under : (SCC p. 313, para 19)*

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

*76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accu have been made only with the object of injuring or humiliating the applicant by arresting him or her.*

*77. After referring to **Siddharam Satlingappa Mhetre** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar** [**Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468**], 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 enroped in the crime and would not misuse

his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1] .)”

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 [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled in the FIR. The allegations, as detailed in the FIR, *prima facie* disclose a sequence of events indicating a concerted attempt to extort money from the complainant. The complainant was allegedly enticed on the pretext of horoscope consultation, a video recording was made without consent and thereafter money was allegedly demanded under threat of viral of the said recording. The investigation is in progress and the possibility of recovery of the extorted money and

identification of other offenders cannot be ruled out without custodial interrogation.

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.

8. Furthermore, the investigation is still at a crucial stage, and custodial interrogation of the petitioner is considered necessary to unearth the complete facts and to ascertain involvement of any other persons connected with the case. The petitioner is yet to be arrested and grant of anticipatory bail, at this stage, may prejudice the ongoing investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses also appears to be not without basis. Given the seriousness of the offence, the stage of investigation and possibility of tampering with evidence or obstructing justice, this Court is of the view that the petitioner does not deserve the concession of bail at this juncture. Moreover, in view of the serious allegations, the custodial interrogation of the petitioner is indispensable and crucial for unearthing the broader conspiracy and identifying the other accomplices that may be within the exclusive knowledge of the petitioner. Moreover, the grant of anticipatory bail at this premature stage may seriously prejudice the ongoing investigation and potentially result in tampering with evidence or influencing material witnesses.

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 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 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*** [***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.”

10. In view of the gravity of the allegations and nature of offence, since the necessity of custodial interrogation would arise for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth.

The petition is, thus, devoid of merits and is hereby dismissed.

11. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 09, 2025
Naveen

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