



CRM-M-6419-2026

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

**CRM-M-6419-2026**

Decided on: 04.02.2026

Somdutt Sharma @ Sonu

..... Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Rakesh Sobti, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

**Rajesh Bhardwaj, J.**

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.323 dated 03.08.2022, registered under Sections 420, 506, 34 IPC, at Police Station City Jhajjar, District Jhajjar.

2. Succinctly, facts of the case are that on 03.08.2022, complaints were received from Police Station Sadar Jhajjar to Police Station City Jhajjar, against Ramkesh @ Sonu and Somdutt Sharma (petitioner) regarding cheating of Rs.18,10,000/- and extending threats to kill the complainant. It was alleged that complainant, namely, Sunil Kumar came into contact with Ramkesh @ Sonu through his friends Devender Singh and Vijay Bharti. Ramkesh @ Sonu told the complainant that he and Devender Singh worked in Chandigarh Secretariat on a senior post and had well connection in all the departments. Ramkesh @ Sonu assured the complainant that he and his friend could secure employment in various departments and informed him about the recruitment for the post of Process Server in the Punjab and Haryana High Court, and asked whether there was any interested candidate. Ramkesh @ Sonu told him that for the said purpose some expenses would be required. Thus, he demanded money for securing post of Process Server in the Court. Accordingly, a total amount of



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Rs.6 lacs was paid to Ramkesh @ Sonu, out of which Rs.5,25,000/- was given in cash and Rs.75,000/- was transferred from the Bank account of wife of the complainant in the Bank account of Somdutt Sharma. On believing Ramkesh @ Sonu, Devender and four other persons also paid money to him and transferred some amount in the Bank account of Somdutt (petitioner) for getting the job. It is alleged that the accused persons in connivance with each other duped the complainant and other persons to the tune of Rs.18,10,000/- in the name of securing job. Felt cheated, the complainant demanded money, but the same was not returned. Thus, request was made to take legal action against the accused persons. On the complaint filed by the complainant, the FIR was registered and the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Jhajjar praying for grant of anticipatory bail, however, after hearing both the side, learned Court declined the same, vide order dated 22.01.2026. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the petitioner has no connection with the alleged offence. He submits that after the registration of the FIR, the Investigating Agency called the petitioner and he duly joined the investigation, whereas, the complainant could not furnish the documentary proof regarding the alleged payment. Accordingly, finding no incriminating material against the petitioner, he was permitted to leave with a direction to be summoned again

as and when required. He submits that the petitioner and the complainant



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are known to each other and the amount, if any, transferred to the petitioner's account, was a friendly loan, which the petitioner is willing to repay. He submits that even earlier the petitioner was willing to return the amount, however, the complainant refused to accept the same and instead demanded more money. He further submits that the petitioner has no role to play in the alleged fraud upon the complainant and other persons, and thus, the petitioner deserves to be granted anticipatory bail.

4. Learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He submits that there are specific allegations of money transaction by the complainant in the bank account of the petitioner. He submits that custodial interrogation of the petitioner is required to unearth the material facts. He, thus, prays for dismissal of the present petition for grant of anticipatory bail to the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the allegation against the petitioner is that he, along with the co-accused, defrauded the complainant and other persons of Rs.18,10,000/- under the pretext of securing employment in the Court. There are specific allegations regarding the transaction of money with the complainant and he is the prime beneficiary of alleged amount received. The investigation in the matter is still in progress, and it is necessary to conduct custodial interrogation of the petitioner to facilitate a thorough and impartial investigation.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-



### 482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
  - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
  - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
  - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
  - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*
7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the



time he 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.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11.           Nothing said herein shall be construed as an expression of opinion on the merits of the case.

04.02.2026

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No