IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

165 CRM-M-6869-2026

Mr. Nitin

....Petitioner

V/s

State of Haryana

....Respondent

Date of decision: 20.03.2026

Date of Uploading : 20.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sumeet Shokeen, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG 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 read with Section 528 of BNSS, 2023 in FIR No.503 dated 04.06.2023 registered for offences punishable under Sections 420, 467, 468, 471, 120-B of IPC at Police Station HTM Hisar.

2. The gravamen of the allegations, as emanating from the FIR in question, is that the complainant namely Ashok and other victims were induced by accused Balwant, Manish, Nitin Parbhat and Nishant Sharma to part with substantial amounts of money on the pretext of securing government employment in a Hospital. The accused had assured the victims that they had good connection in the health department and in all the hospitals and that he would place all the victims as LDC, GNM or ATS. Accordingly, the amounts ranging between ₹2 lacs to ₹7 lacs were collected from the victims. Fake assurances, forged documents including appointment

letters and fabricated representations were allegedly used to deceive the victims. It has been further alleged that on different dates, several amounts were paid to the accused. Despite repeated requests, neither was the promised job arranged nor the amount was returned & all the victims were threatened with dire consequences. On the basis of these allegations, the instant FIR came to be registered and the investigation ensued. During the course of investigation, the matter unfolded as a larger conspiracy involving multiple accused persons, including the present petitioner, wherein forged documents were allegedly created and circulated & funds were routed through various bank accounts.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as he has no connection whatsoever with the alleged offence. Learned counsel has further iterated that a bare perusal of the FIR would reflect that there has been no specific or direct allegation against the petitioner and the name of the petitioner has been introduced only on the basis of a vague and unsubstantiated version put forth by the complainant. Learned counsel has pointed that the prosecution narrative is itself doubtful inasmuch as the complainant himself has been found to be involved in the alleged scam and has been arrested by the investigating agency. According to learned counsel, in such circumstances, the allegations made by the complainant cannot be relied upon thereby rendering the entire case highly doubtful. Furthermore, the petitioner has not received any amount from any of the alleged victims and there has been no material on record to show any financial transaction linking the petitioner with the alleged offence. It has been further contended that the petitioner has neither induced any person nor participated in any

conspiracy as alleged & the basic ingredients of the offences invoked are not made out against him. Furthermore, the investigation in the instant case is substantially complete and the main chargesheet has already been filed, and therefore, the custodial interrogation of the petitioner is not required. 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. Learned counsel has emphasized that the petitioner 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 in view of the serious nature of allegations and his active involvement in the commission of the offence. Learned State counsel has further contended that the instant case pertains to a well-organized and premeditated conspiracy involving cheating of multiple innocent persons on the false pretext of securing government job. According to learned State counsel, the *modus operandi* adopted by the accused persons involved impersonation, preparation and use of forged documents and inducement of victims to part with substantial amounts of money. Referring to the status report dated 12.02.2026 by way of affidavit of Tanuj Sharma, HPS, Deputy Superintendent of Police, Traffic, Hisar, learned State counsel has emphasized that the role of the petitioner has clearly emerged during the course of investigation which reflects that he was an active participant in the

conspiracy and facilitated the offence. The relevant part of the said status report reads thus:

> *"**10. Specific role of the petitioner:** The petitioner was an active participant in the criminal conspiracy and facilitated cheating by providing and operating bank accounts used for routing the cheated amounts, including the account in which substantial funds were transferred by the co-accused Ashok. Investigation has revealed that the mobile number linked with the said account was operated by the petitioner and was saved in the phone of the co-accused as "Nitin Bhai Sahib Delhi". He further used forged identity documents under fictitious names for obtaining SIM cards and operating financial accounts and was involved in circulating forged joining letters relating to GNM posts to induce victims to part with money. Electronic chats, transaction details and witness statements collected during the course of investigation prima facie establish his direct involvement in the offence, necessitating custodial interrogation."*

It has been further contended that the investigation has also revealed that the forged appointment letters relating to government posts were circulated to deceive the victims & the petitioner has played a role in facilitating such activities and hence his custodial interrogation is necessary to trace the money trail, identify other possible accused persons and collect the documentary evidence. Furthermore, the role of the petitioner cannot be brushed aside at this stage as the investigation is still at a nascent stage. 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. From the perusal of the FIR and the material placed on record, the allegations against the petitioner are that he, in connivance with other co-accused, induced the complainant and similarly placed persons with the assurance of securing government job. The material collected during the course of investigation, as pointed out by the State, *prima facie* indicates the active involvement of the petitioner in the alleged offence. The role attributed to the petitioner is not merely peripheral but suggests that he has facilitated the commission of the offence by providing and operating bank accounts used for routing the defrauded money. Furthermore, the allegations with regard to use of forged identity documents for obtaining the SIM cards and financial instruments as well as circulation of the forged appointment letters cannot be brushed aside at the stage of considering a plea for grant of anticipatory bail. In the considered opinion of this Court, the existence of electronic evidence and financial trails necessitates a thorough and effective investigation. The nature of allegations reflects a calculated attempt to deceive the complainant by creating and using forged documents as genuine. The specific role attributed to the petitioner, as emerging from the FIR, suggests his conscious participation and knowledge of the alleged fraudulent scheme. The allegations disclose the existence of a common intention and conspiracy amongst the accused persons wherein the petitioner appears to have played an instrumental role. The allegations in the FIR indicate that the complainant as also similarly placed victims were induced to pay substantial amount by the petitioner and his associates on the pretext of arranging their government job. The money was neither refunded nor was any job

arranged. The material which has come on record discloses that the allegations against the petitioner are not vague or general but are specific and are 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 a monetary dispute but involves criminal intent from the inception as the complainant as also other victims were deceived into parting with their money under a false pretext. At this stage, the investigation is still underway and the custodial interrogation of the petitioner may be essential to trace the financial flow, recover the 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. The contention of the petitioner that the complainant himself has been arrested does not, at this stage, dilute the allegations against the petitioner, particularly when the investigation points towards a larger conspiracy involving multiple accused. It is well settled that the economic offences which involve 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.

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 on-going 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.

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 disintering 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

March 20, 2026
Ajay

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