

CRM-M-9493 of 2026 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

382

CRM-M-9493 of 2026
Date of Decision: 06.04.2026

Ahmed Jilan Shaikh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Dushyant Rana, Advocate
for the petitioner.

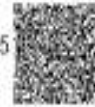
Mr. Mohit Chaudhary, AAG, Haryana.

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.55 dated 30.10.2025 registered under Sections 318(4) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Cyber Crime, District Bhiwani.

2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused, duped the complainant for an amount of Rs.3,27,00,000/-. Hence, the present FIR.

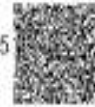
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He argued that an amount of Rs.25 lakhs was transferred into his account without his knowledge, consent or participation in any fraudulent scheme. He further argued that Aadesh Kale is the close childhood friend of the petitioner and he

**CRM-M-9493 of 2026****-2-**

contacted the petitioner and induced him to open a current bank account with Bank of Baroda on the name of proprietorship ' M/s A to Z Cushion maker' on the pretext of 20% commission per transaction. Thereafter, said co-accused took cheque book, ATM card and e-mail ID of the petitioner including the SIM Card linked with the said bank account. He further submitted that the petitioner had neither received, nor retained a penny out of the transferred amount, rather he himself is a victim at the hands of co-accused. He further submitted that the entire case is based on documentary evidence which are already in possession of the complainant or the investigating agency, hence, nothing is to be recovered from the petitioner. 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 Sessions Judge, Bhiwani, vide order dated 07.01.2026.

5. On the other hand, learned State counsel 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. He argued that the petitioner is direct beneficiary of the alleged fraud and has received Rs.25,00,000/- in his bank account from the bank account of the complainant. He further argued that this bank account is in the name of M/s A to Z Cushion maker and the present petitioner is the proprietor of the said firm. He further submitted that the petitioner along with co-accused orchestrated a well planned conspiracy to cheat the complainant for huge sum of Rs.3.27 Crores. He

**CRM-M-9493 of 2026****-3-**

further argued that the petitioner is involved in one more case of similar nature meaning thereby he is a habitual offender. He further submitted that the custodial interrogation of the petitioner is required for a fair and proper investigation in the matter, to unearth the modus operandi of accused; to recover the amount involved in the alleged fraud and identification and arrest of other co-accused. Hence, he prays for dismissal of the petition.

6. Heard.

7. After hearing learned counsel for the parties and considering the material available on record, this court is of the opinion that the allegations against him are serious in nature and the petitioner is direct beneficiary of the alleged fraud. The record prima facie reflects that substantial amounts were transferred to his bank account, and the State has asserted the necessity of custodial interrogation to unearth the modus operandi of the conspiracy and to effect recovery of the cheated amount. 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. The investigation is at nascent stage and 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.



CRM-M-9493 of 2026

-4-

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 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."

9. 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 enroled 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.*

XXX XXX XXX

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".

10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the



CRM-M-9493 of 2026 **-6-**

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.

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

06.04.2026
D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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