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

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Subhash and another

...Petitioners

V/s

State of Haryana and another

....Respondents

Date of decision: 29.04.2026**Date of Uploading : 30.04.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Kawalpreet Singh Virk, Advocate for the petitioners.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Ms. Dheerja, Advocate for respondent No.2.

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 of BNSS, 2023 in FIR No.389 dated 03.11.2025 registered for offences punishable under Sections 406, 420, 506 of IPC and Section 24 of Immigration Act, 1983 at Police Station Barauda, District Sonipat.

2. The prosecution case, as spelled out in the petition, is that the complainant, who is stated to be suffering from cancer, was induced by the petitioners alongwith co-accused to part with a substantial amount of approximately Rs.45.00 lacs and gold on the pretext of facilitating the migration of his son and daughter-in-law to the United States of America. It has been alleged that after receiving the said amount, the petitioners had

failed to fulfill their promise and thereafter extended false assurances



regarding repayment. It has been further alleged that in order to avoid criminal liability, the petitioners entered into a settlement and paid only a sum of Rs.10.00 lacs while undertaking to repay the remaining amount. Furthermore, petitioner No.1 is stated to have executed an agreement to sell land as security for part of the outstanding amount; however, he later resiled from the said commitment. The complainant has further alleged that threats were extended to him and his family when they demanded their money back. On these set of allegations, the FIR in question was registered and investigation ensued.

3. Learned counsel for the petitioners has iterated that the petitioners have been falsely implicated and the present FIR is an abuse of process of law. Learned counsel has further iterated that an earlier complaint on the similar allegations was inquired into and subsequently closed on the basis of a compromise after payment of Rs.10.00 lacs which was duly acknowledge by the complainant. It has been further contended that the complainant has executed an affidavit acknowledging the full settlement of dues including return of gold. Furthermore, the present complaint has been filed after considerable delay with ulterior motives in order to extract more money. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process of law. According to learned counsel, the custodial interrogation of the petitioners is not required in the factual *milieu* of the case in hand. It has been further argued that the petitioners are willing to fully cooperate with the investigating agency and there is no likelihood of the petitioners absconding from the process of justice or



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tampering with the prosecution evidence in case they are enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioners by arguing that the petitioners have duped the complainant in a pre-planned and calculated manner on the pretext of sending his son and daughter-in-law abroad. Learned State counsel has iterated that the petitioners have no intention to fulfill their promise from the very inception and induced the complainant to part with this money. According to learned State counsel, though a partial amount of Rs.10.00 lacs was paid but the same was only to gain the confidence of the complainant. It has been further submitted that the investigation is at a nascent stage and custodial interrogation of the petitioners is necessary for recovery of the cheated amount and to unearth the complete *modus operandi* adopted by them. Furthermore, learned State counsel has submitted that in case the petitioners are 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.

4.1. Learned counsel appearing for the complainant-respondent No.2 has raised submissions in tandem with the learned State counsel. It has been further contended that the earlier compromise, as relied upon by the petitioners, was obtained under false assurances and misrepresentation and cannot absolve them of their criminal liability. Considering the gravity and seriousness of the offence, the dismissal of the petition in hand is entreated for.



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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 levelled against the petitioners. As per the FIR, the petitioners alongwith co-accused took a total amount of Rs.45.00 lacs from the complainant on the pretext of sending his son and daughter-in-law abroad. From the material placed on record, it emerges that serious allegations of cheating and criminal breach of trust involving a substantial amount have been levelled against the petitioners. The allegations are not confined to mere civil dispute or recovery of money but *prima facie* disclose elements of deception and inducement leading to wrongful loss to the complainant. The sequence of events, as alleged, indicates that the complainant was persuaded to part with a large sum of money and gold on the assurance of sending his son and daughter-in-law abroad which promise was never fulfilled. The subsequent conduct of the petitioners, including partial payment, execution of undertaking and alleged resiling therefrom *prima facie* indicates a pattern of misrepresentation. The plea of the petitioners regarding earlier compromise and closure of complaint cannot be accepted at this stage as a ground for grant of anticipatory bail particularly when it is the case of the prosecution that such compromise itself was procured on false assurances. Furthermore, the authenticity/veracity of the compromise is to be examined during the course of trial. At this stage, the investigation is still underway and the custodial interrogation of the petitioners may be essential to recovery the cheated amount and the need to trace the flow of money. The seriousness of the allegations, the involvement



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of the petitioners in inducing the complainant as also the money trail weigh heavily against the grant of anticipatory bail to the petitioners. The role attributed to the petitioners is specific and direct which indicate a well planned economic offence. In the considered opinion of this Court, the economic offences involving cheating of large sums stand on a different footing and require thorough investigation.

7. 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/economic 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. Moreover, the plea that the dispute is civil in nature cannot be accepted at this stage, as the allegations *prima facie* disclose deception and dishonest intention at the inception which constitute the essential ingredients of Section 420 of IPC/318(4) of BNS. 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 petitioners at this stage may likely to hamper the on-going investigation. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioners have 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



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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 petitioners. 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 petitioners, 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 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 task of disinterring offences would not conduct themselves as offenders.”

9. Considering the seriousness of the allegations, the nature and gravity of the allegations and the necessity of custodial interrogation for recovery of the amount in question, this Court is of the considered opinion that the petitioners do 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:



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- (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

April 29, 2026
Ajay

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