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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10197 of 2026
Date of Decision: 17.03.2026

Sajjan Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Shailender K. Lal, Advocate
for the petitioner.

Mr. Armaan Dahiya, AAG, Haryana.

Mr. A.K. Chauhan, Advocate
for the complainant.

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.337 dated 24.08.2025 registered under Sections 316(2), 318(4) and 61 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Sector-8, District Faridabad.

2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused, cheated the complainant for a sum of Rs.5,70,000/-, on the pretext of securing admission in MBBS course for the son of one Virender.



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3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the alleged fraud. He argued that the alleged payment was made during the intervening period from 30.04.2025 to and 12.06.2025 but the FIR in question was registered on 24.08.2025 i.e. after an unexplained delay of more than two months, casting serious doubt on the prosecution story. He argued that the petitioner was neither any beneficiary to the alleged fraud as no amount was deposited in his account, nor he demanded or induced the complainant or his friend-Virender at any point of time and only allegation against the petitioner is that co-accused Jasbir Singh had transferred some amount in the account of the petitioner's relative. He argued that if the contents of the FIR are taken to be true, even then no specific role or overt act has been attributed to the present petitioner and therefore, no offence of cheating in any manner has been made out against the petitioner and bald and vague allegations have been levelled against the petitioner. 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. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Learned counsel for the petitioner further submitted 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



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application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Faridabad, vide order dated 09.12.2025.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, he has vehemently 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 specifically named in the FIR. He further argued that the petitioner along with co-accused Jasbir Singh induced the complainant with false assurances of securing admission in reputed colleges at concessional fee under a Government quota. He further submitted that the petitioner was projected as the person who was actually controlling and facilitating the said work. He further submitted that the complainant has specifically stated that the petitioner was the main accused and the other co-accused were acting on his instructions. He further submitted that during the investigation, co-accused Jasbir Singh made a disclosure statement categorically disclosed the involvement of the petitioner in the conspiracy and further disclosed that the cheated amount was transferred at the instance of petitioner to an account as directed by him. He further submitted that the petitioner is not only peripheral participant but principal architect of the conspiracy. He along with co-accused orchestrated a well planned conspiracy. He further submitted that the custodial interrogation of the petitioner is required for a fair and proper investigation in the matter as well as to unearth the modus operandi of accused; as well as to ascertain his exact role and to recover the



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amount involved in the alleged fraud. Hence, he prays for dismissal of the petition.

6. Learned counsel for the complainant, while opposing the prayer for grant of regular bail to the petitioner, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.

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 the petitioner are serious in nature and he is specifically named in the FIR with a distinct and active role attributed to him in the alleged fraud. He is stated to be the principal architect of the entire conspiracy and the co-accused were acting on his instructions. The nature of the offence is grave and has serious societal ramifications, as such fraudulent schemes not only cause wrongful loss to the victim but also undermine public confidence in legitimate educational processes. The material collected during investigation prima facie indicates the involvement of multiple persons acting in concert and the role of the present petitioner is yet to be fully unearthed. The investigation qua the petitioner is still underway and several aspects, including the flow of the cheated amount and the exact inter se role of the accused persons, are required to be thoroughly examined. 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



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gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. 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.

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 enrope 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.*



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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 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.

(RUPINDERJIT CHAHAL)
JUDGE

17.03.2026
D.Bansal

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