



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

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**CRM-M No.10890 of 2026
Date of decision : 12.3.2026
Date of uploading : 12.3.2026**

Nitin Aggarwal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ravinder Gill, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

Mr. Ajay Kumar Gupta, Advocate and
Mr. Geeteshwar Saini, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Apprehending his arrest in FIR No.01 dated 2.1.2026, under Sections 420 and 406 of IPC, registered at Police Station Naya Gaon, District SAS Nagar (Mohali), the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.
2. The gravamen of the FIR in question is that the petitioner alongwith his co-accused cheated/defrauded the complainant to the tune of ₹6 lakhs on the pretext of arranging government job in the Haryana Secretariat for her daughter.
3. Learned counsel for the petitioner has argued that the petitioner



has been falsely implicated into the FIR in question. Learned counsel has further argued that co-accused Manish Gupta had undertaken construction work at the house of complainant's brother-in-law, namely Raj Kumar Arya, wherein the petitioner rendered his professional services. After completion of work the petitioner was not paid his legitimate dues by Manish Gupta and Raj Kumar Arya and an amount of ₹7 lakhs were outstanding towards his services. Learned counsel has further submitted that consequently the petitioner was constrained to file a complaint under Section 156(3) of Cr.P.C. before the learned JMIC, Khara seeking appropriate directions for recovery of aforementioned amount. Learned counsel has further submitted that the present FIR has been lodged as a counter blast to the said complaint. Thus, petitioner be given the concession of anticipatory bail.

4. Learned State Counsel has filed status report by way of affidavit of Prithvi Singh Chahal, PPS, Deputy Superintendent of Police, City-I, District SAS Nagar, in Court today. The same be kept on record. Paragraph No.9 of the said status report reads thus:

'That the role of the petitioner Nitin Aggarwal, as revealed during the course of enquiry and investigation, is that he alongwith his co-accused Manish Gupta hatched a conspiracy to cheat the complainant on the pretext of arranging a government job for her daughter in the Haryana Secretariat. The petitioner represented himself as an astrologer and by reading the palm of the complainant and her children, he gained their confidence and developed close acquaintance with the complainant during his visits to the house of her brother-in-law at New Chandigarh. Taking advantage of the said acquaintance and trust, the petitioner along with his co-accused falsely represented that they had close relations with senior cabinet ministers of the Haryana Government and could arrange a



government job for the complainant's daughter.

That the petitioner actively participated in inducing the complainant to pay money by falsely assuring that the job of her daughter had already been discussed with a minister and that only certain formalities were required to be completed. In furtherance of the said fraudulent representation, the complainant handed over Copies of the educational certificates of her daughter and paid a sum of Rs. 2,00,000/- in cash to the petitioner on 03.12.2024 in the presence of her sister-in-law Raminderjit Kaur. Thereafter, acting in furtherance of the common intention with his co-accused Manish Gupta, the petitioner continued to demand further amounts from the complainant on different occasions, on the pretext of completion of formalities and issuance of an appointment letter. In this manner, the petitioner along with his co-accused dishonestly induced the complainant to part with a total amount of Rs. 6,00,000/- but neither arranged any government job for the complainant's daughter nor returned the amount, thereby Cheating the complainant. Furthermore, the petitioner also did not join the enquiry proceedings despite being served with several notices.'

Raising submissions in tandem with the said status report, learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations against the petitioner are grave and serious in nature. He further submits that the petitioner has a vital role in the commission of offence. The investigation qua the FIR in question is still going on. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. According to learned State counsel, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation.

5. I have heard learned counsel for the rival parties and have gone



through the entire record.

6. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

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*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in ***Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]***, it was held as under : (SCC p. 313, para 19)*

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the



accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In ***SiddharamSatlingappaMhetre v. State of Maharashtra*** [***SiddharamSatlingappaMhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514***], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to ***SiddharamSatlingappaMhetre*** [***SiddharamSatlingappaMhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514***] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in ***Jai Prakash Singh v. State of Bihar*** [***Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468***] , 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. (See ***D.K. Ganesh Babu v. P.T. Manokaran*** [***D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345***] , ***State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain*** [***State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176***] and ***Union of India v. Padam Narain Aggarwal*** [***Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1***].)”

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** [**Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510**], it was held that in economic offences, the accused is not entitled to anticipatory bail.”*

*15. In **Sushila Agrawal and others v. State (NCT of Delhi) and Another** reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-*

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

7. Perusal of case file reveals that the petitioner alongwith his co-accused cheated/defrauded the complainant to the tune of ₹6 lakhs on the pretext of arranging government job for her daughter in the Haryana Secretariat. The allegations against the petitioner are grave and serious in nature. As per submissions made by learned State counsel, the investigation is still at a preliminary stage, and custodial interrogation of the present petitioner is necessary to unravel the truth. The learned counsel for the petitioner has failed to demonstrate that the case registered against him is false.

7.1 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 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 is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. 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* [*State v. Anil Sharma*, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039], the 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

9. In view of the gravity of the allegations and nature of offence, since the necessity of custodial interrogation would arise for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(SUMEET GOEL)
JUDGE

12.3.2026

Ashwanii /Yag Dutt

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