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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12071-2026

Vinod Kumar

....Petitioner

Versus

State of Punjab and another

....Respondent

Date of Decision: March 30, 2026**Date of Uploading: March 30, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Deepak Goyal, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Anter Singh Brar, Advocate
for the complainant/respondent No.2.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS')
for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR
No. 99 dated 09.09.2025 registered under Sections 318(4), 336(2), 336(3),
340(2) of the Bharatiya Nyaya Sanhita (erstwhile Sections 420, 465, 468,
471 IPC), at Police Station Ajitwal, District Moga.

2. The gravamen of the instant FIR reflects that the petitioner, by
misrepresenting the FIR-complainant that he had influence and connections
to secure a govt. job in the Railway Department, induced her to pay a sum of

approximately ₹98,000/-. The complainant has alleged that, thereafter, the petitioner arranged a purported appointment letter through electronic means, which upon verification was found to be forged and fabricated. The FIR-complainant has further stated that she has received a sum of Rs.30,000/- returned from the petitioner, but the remaining amount was not returned by the petitioner and the petitioner avoid to repay the same on one pretext or another. The complainant has, thus, alleged that the petitioner dishonestly took money from her by making false promises and used a forged document. Upon these set of allegations, the instant FIR came to be registered against the petitioner.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. It is contended that the petitioner has never committed any offence of forgery. The petitioner contends that he has been falsely implicated and that the amount in question was not obtained by cheating but was a loan taken for the medical treatment of his wife. It is further submitted that he has already returned part of the amount in question and is willing to repay the remaining sum. No recovery is to be effected from the petitioner.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (assisted by learned counsel for the complainant) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. It is submitted that the petitioner lured the complainant by falsely promising a government job and even fabricated a fake appointment letter and, thus, the offence thus involves forgery of official documents, which is a serious offence. It is further contended that earlier also the petitioner is involved in other similar cases and, hence appears to be a habitual offender. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. On the strength of these submissions, dismissal of the petition in hand is entreated for.

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 by the prosecution, the allegations against the petitioner are grave and specific of forgery. The petitioner induced the complainant to part with money on the false assurance of securing a government job, and in furtherance thereof, a fake appointment letter was allegedly generated and transmitted. Returning part of the money by the petitioner does not reduce the seriousness of the offence. From the pleadings, it is evident that the petitioner was earlier also involved in similar like offences and, therefore, appears to be a habitual offender. Learned counsel has failed to demonstrate the petitioner was not involved in the alleged offence.

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.

7. 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. 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.”

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. 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**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 30, 2026
Naveen

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