2026:PHHC:073035

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11673-2026

Vikas Saini @ Vikas Soni

....Petitioner

versus

State of Haryana ....Respondent

Date of Decision: May 11, 2026
Date of Uploading: May 11, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rohit Singh, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Mr. Shalender Mohan, Advocate for the complainant.

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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.181 dated 12.06.2025, registered for the offences punishable under Sections 420, 465, 468, 471 and 120-B of the IPC, 1860, at Police Station Civil Lines, District Hisar.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Dinesh Nagpal, stated that in June 2023, he received a telephone call on his mobile phone from Vikas Saini (*petitioner herein*), who informed him that he wished to discuss certain matters relating to business expansion and that one Ajay Mohpal was also associated with him.

Thereafter, on 03.07.2023, both Vikas Saini (*petitioner herein*) and Ajay Mohpal visited the office of the complainant and represented that they were running an institute under the name “Bedoun Education,” which had subsequently been renamed as “Gyangati Pvt. Ltd.” at New Delhi. They further represented that they were engaged in providing services relating to study visas, work permits, and immigration and that they had an office and college in Malta under the name and style of “Avanza Training Academy.” The complainant was requested to visit their office at Delhi. The accused persons assured the complainant that students sent through them would be provided part-time employment opportunities and would be able to earn approximately ₹1,00,000/- per month. They also assured that employment arrangements would be managed by them and that visas would be guaranteed. Countries such as Poland, Slovakia, and Croatia were also projected as destination countries for students. In addition, assurances regarding free accommodation and food facilities were given. The complainant was also shown videos purportedly depicting factories and accommodation facilities abroad.

Believing the representations made by the accused persons, which later turned out to be false and misleading, the complainant agreed to their proposals. One candidate, namely Vikas Saini, was informed about the proposal and accepted the same. Thereafter, several students applied through the accused persons and paid substantial amounts of money. However, after receiving the money, the accused persons failed to fulfill the promises and assurances extended by them. Subsequently, it was revealed that the appointment letters, visas etc. were fabricated and forged.

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. Learned counsel has contended that the allegations relate to the year 2023, whereas the FIR in question came to be registered only in 2025. It has further been argued that in the complaint dated 26.11.2024, submitted prior to the registration of the FIR in question by the complainant, the complainant himself admitted that a verbal arrangement had been entered into regarding commission of ₹50,000/- per student and that he had collected money from the students and subsequently transferred the same to the petitioner. The complainant had also acknowledged that around 10 students were involved and that certain amounts had been credited to the petitioner's account. Learned counsel has further argued that the said complaint was enquired into by the Economic Offence Wing, Hisar and it was recorded in the enquiry that the complainant had failed to produce any proof of having transferred Rs.32 lakh to the petitioner and that no bank statements or documentary proof were furnished by him. It was further recorded in the said enquiry that the matter relates to civil dispute and no cognizable offence was made and the matter was closed in November-December 2024. Learned counsel has urged that after an unexplained delay of several months, the complainant made a subsequent complaint dated 10.04.2025 with materially improved allegations and inflated amount along with certain other allegations, and on the basis of said complaint, FIR in question was registered.

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, while raising submissions in tandem with the status report by way of an affidavit dated 19.03.2026, which is already on record, has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Relevant of the said status report reads thus:

> "*16. That as far as specific role of the petitioner/ accused is concerned the petitioner/ accused cheated the complainant for an amount of Rs.26,66,980/- through bank transactions and Rs.7 lakh in cash between 03.08.2023 and 23.08.2024, by providing fake visa appointment letters of the students.*"

4.1. Learned State counsel has further asserted that considering the seriousness of the allegations, custodial interrogation of the petitioner is necessary to unearth the broader conspiracy and recover the ill-gotten money. 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.

4.2. Learned counsel for the complainant, while raising submissions in tandem with the submissions of learned State counsel, has also vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations leveled against the petitioner are serious in nature. Learned counsel has submitted that petitioner has cheated the complainant to a substantial amount by providing fake visa appointment letters of the students. Learned counsel has submitted that, in case, the petitioner is granted the concession of anticipatory bail, there is all likelihood that the petitioner may abscond from the process of justice as also interfere/ intimidate the prosecution witnesses/ evidence. 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 in the FIR in question, the allegations against the petitioner are grave and specific. A perusal of the material on record, *prima facie*, shows that the petitioner has cheated the complainant to the tune of ₹26,66,980/- through bank transactions and an additional amount of ₹7,00,000/- in cash during the period from 03.08.2023 to 23.08.2024. It is further borne out that fake visa appointment letters and fabricated documents were supplied to the students. The material collected during investigation *prima facie* indicates the active involvement of the petitioner in the commission of the alleged offences.

6.1. Perusal of the material on record further reveals that the petitioner was granted concession of interim bail by the Court below and was directed to join investigation, vide order dated 15.09.2025, however, he did not cooperate the in the said investigation, and, thus, his earlier anticipatory bail plea was dismissed, vide order dated 08.10.2025, by the Court below. The conduct of the petitioner in failing to cooperate with the investigation despite having been granted the concession of interim bail disentitles him from seeking the relief prayed for in the petition in hand.

6.1. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery of money in question, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. 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, (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 and specific 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

May 11, 2026
mahavir
Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No