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CRM-M-14585-2026

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

CRM-M-14585-2026

Date of decision: 06.05.2026

TIRATH SHARMA

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Ravi Malik, Advocate and
Mr. Anil Chahal, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG Haryana.

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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.36 dated 22.02.2024 registered under Sections 420, 406, 120-B IPC, 1860 at Police Station Hathin, District Palwal.

2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused, cheated the complainant and her husband for an amount of Rs.8 lakhs on the pretext of selling a property which was not in their name. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no connection with the alleged occurrence. He submits that as per the contents of the complaint there is a dispute regarding agreement to sell, which clearly shows that the dispute is civil in nature which has been given



criminal color. He further submits that no transaction has been made into the account of the petitioner and it is in fact one Mahender Sharma who has received the entire amount. He submits that the petitioner has also given one application against the complainant-Hemlata but no action has been taken thereon by the police. He further submitted that the entire case is based on documentary evidence, 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 application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Palwal, vide order dated 06.03.2026.

5. On the other hand, learned State counsel has already filed the status report in the matter, which is taken on record and while referring to the same, he has 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 in collusion with co-accused executed an agreement to sell in favour of the complainant and on that account the petitioner and co-accused received an amount of Rs.8



received on the mobile number belonging to the petitioner. He further submits that the custodial interrogation of the petitioner is required to ascertain the modus operandi and to recover the amount of Rs.8 lakhs as well as other documents. Hence, he prays for dismissal of the petition.

6. After hearing learned counsel for the parties and perusing the material available on record, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. The allegations levelled in the FIR reveal a well-planned act of forgery and fraud. The petitioner is alleged to have, in collusion with co-accused, executed an agreement to sell in favour of the complainant despite the fact that the property in question was not owned by him. It is further alleged that an amount of ₹8 lakhs was received on the basis of such misrepresentation. Further, the stamp paper used for the agreement was issued upon receipt of an OTP on a mobile number linked to the petitioner, which prima facie connects him to the transaction. At this stage, the investigation is still in progress and the custodial interrogation of the petitioner appears necessary to unearth the complete modus operandi, trace the money trail and recover the cheated amount. The material on record at this stage prima facie indicates 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 gravity of offence and the potential impact of granting pre-arrest protection to the



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.

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 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."

8. 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 enroped 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".

9. 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.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

06.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |