



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

Sr.No.110

**CRM-M-15295-2026
Decided on : 17.04.2026**

Abhishek Kakkar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Narender Kaajla, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

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.274 dated 15.07.2020, registered under Sections 406 and 420 IPC (Sections 506, 120-B, 34 IPC added lateron), at Police Station Hisar Civil Lines, District Hisar.

2. Brief facts, as per the prosecution case, are that the petitioner in connivance with co-accused cheated the complainant for an amount of Rs.34,30,000/- on the pretext of procuring job for the children of complainant and others in Group-D category in Railways. Hence, the present FIR.



3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the allegations levelled against the petitioner are false and he has no concern with the said offence. Learned counsel contends that even if prosecution version is believed to be true, then also no specific allegations have been levelled against the petitioner. He further contends that there is no direct evidence to connect the petitioner with the said offence. No recovery is to be effected from the petitioner. He contends that the case is purely of civil nature which has been given criminal colour. Learned counsel has submitted that the petitioner has clean antecedent and he is ready and willing to join the investigation as and when called upon to do so by the investigating agency. Therefore, it is urged that the instant petition deserves to 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 learned Additional Sessions Judge, Hisar vide order dated 07.03.2026.

5. On the other hand, learned State counsel has opposed the prayer for grant of anticipatory bail by submitting that the allegations levelled against the petitioner are serious in nature. He contends that the petitioner was an active participant in the criminal conspiracy alongwith co-accused, who dishonestly induced the complainant and other victims to pay a huge amount of money on the false promise of arranging recruitment for their children in Group-D posts in Railway Department and Clerk posts in Haryana Staff Selection Commission. He further contends that during investigation, it has come on record that the petitioner represented himself as



a person having high level political and official contacts and allowed co-accused Pankaj to use his name to gain confidence of the complainant party. The digital evidence in the form of audio recordings, WhatsApp chats and screenshots produced by the victims shows that the petitioner was in constant touch with co-accused and had knowledge about the monetary transactions. He further contends that when the complainant demanded his money, the petitioner issued cheque for the cheated amount which clearly proves that the petitioner was directly involved in the transaction. The said cheque was dishonoured and proceedings under Section 138 of N.I. Act were initiated in which the petitioner failed to appear before the Court and was declared proclaimed offender and FIR No.294 dated 12.07.2022, under Section 174-A IPC was also registered against him.

6. Having heard learned counsel for the parties at length and after perusing the record, it is evident that the allegations against the petitioner are grave and relate to cheating a number of persons on the false promise of securing government employment. The material collected during investigation, including digital evidence, prima facie indicates the involvement of the petitioner in the alleged conspiracy. The issuance of a cheque towards repayment of the cheated amount, which was dishonoured, further reflects the petitioner's knowledge and involvement in the transaction. Moreover, the petitioner having been declared a proclaimed offender in proceedings under Section 138 of the N.I. Act demonstrates his conduct and disregard for the process of law. As per prosecution, the recovery is yet to be effected. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the



overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine and 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.

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. 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 enroled 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 hereby dismissed.

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

17.04.2026

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**(RUPINDERJIT CHAHAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No