2026:PHHC:052606

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15032-2026

Narender Sharma @ Nitin Sharma

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: April 07, 2026
Date of Uploading: April 07, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jasveer Singh Dhaliwal, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Mr. Manmohan Saroop, Advocate and
Ms. Meenakshi Saroop, 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') (old Section 438 of Cr. P.C.) for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.80 dated 18.03.2022, registered for the offences punishable under Sections 506, 420, 406, 365, 342 of IPC, 1860, at Police Station City Pehowa, District Kurukshetra.

2. The gravamen of the FIR in question reflects that the criminal law was set into motion on the basis of complaint moved by the complainant – Pali Ram, proprietor of M/s Kissan Rice Mill, engaged in the trade of rice. As per the complainant, co-accused – Rajbir, who was also dealing in rice, approached

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him and offered to supply rice at concessional rates. It has been alleged that he was induced by said co-accused – Rajbir to purchase 3,000 quintals of rice at a concessional rate. On the pretext of such transaction, the complainant was called to Mohali, for making payments, where he was introduced to co-accused Dilbag Singh and the present petitioner. It has been further alleged that the substantial amounts were paid in cash on different occasions to the accused persons but neither the rice was supplied nor the amount was returned. Subsequently, instead of returning the amount, the accused persons allegedly attempted to divert the complainant into a land transaction, first at Yamuna Nagar and thereafter at Kotdwar, Uttarkhand, on the pretext that earlier payments would be adjusted against the sale consideration. In that process, the complainant alleges that further amounts were extracted from him under the guise of documentation and earnest money. The complainant further alleges that when he expressed his inability to pay an additional amount, he was wrongfully confined and threatened. In totality, the complainant alleges that he was cheated of an amount aggregating to approximately Rs.2.29 crores. On these set of allegations, the instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated into the FIR in question. Learned counsel has further iterated that there is an unexplained delay of more than one year in lodging the FIR, which casts serious doubt on the veracity of the allegations. It has been further argued that the entire story is highly improbable, as no prudent person would repeatedly part with huge amounts of cash after an initial alleged deception. It has been further argued that no documentary evidence has been placed on record to substantiate the allegations except the bald statement of the complainant. According to learned counsel, the

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complainant himself has cheated various persons and is stated to have absconded abroad. Furthermore, the dispute between the parties arises out of a purely commercial transaction of sale and purchase of rice and the same has been given a criminal colour in order to pressurize the petitioner. Learned counsel has emphasized that the name of the petitioner has been falsely roped into the instant case without any supporting evidence or proper investigation. Learned counsel has further contended that the petitioner is ready to join the investigation and shall abide by any condition imposed by this Court & hence no useful purpose would be served by sending him behind the bars. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail. On the strength of these submissions, the grant of instant petition is entreated for.

4. Referring to reply by way of an affidavit **dated 31.03.2026** of Randhir Singh, HPS, DSP Pehowa, Kurukshetra, learned State counsel has vehemently opposed the grant of anticipatory bail by arguing that the petitioner has been specifically named in the FIR. The relevant part of the said reply reads thus:

> "*9. That the allegations against the petitioner are specific, grave and of a serious nature. The petitioner/ accused is by name accused of present case and he is attributed an active role in receiving large sums of money from the complainant, participating in the inducement relating to the alleged land transaction, and in the subsequent acts of intimidation, confinement and extortion. The accusation pertains not only to a substantial economic fraud of Rs.2,99,00,000/-, but also to allegations cannot at this stage, be brushed aside as implausible merely because the payments are alleged to have been made in cash. During investigation of present case notices were served upon the petitioner/ accused for joining the investigation of present case but petitioner/ accused has failed to join the investigation of present case till date and has filed the present petition before this Hon'ble Court after a gap of four years, hence petition of the petitioner/ accused is liable to be dismissed. The custodial interrogation of petitioner/ accused is required in the present case to complete the investigation of present case in fair manner. In case the petitioner/ accused is released on bail in that case he may abscond from the learned Trial Court or may threat the prosecution witnesses and also not cooperate the investigating agency, hence petitioner/ accused is not entitled for any relief as claimed in the present petition. However, the co-accused Dilbagh*

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Singh also disclosed that his friend Nitin Sharma showed Pali Ram land near the Yamunanagar toll plaza. Nitin Sharma alias Narendra Sharma knows the person whose land was shown, hence petitioner has committed crime of serious nature. The amount received the accused persons mentioned below for kind perusal of this Hon'ble Court.

The petitioner/ accused received total amount in case from complainant	*Rs.1,27,00,000/- as disclosed by co-accused Dilbagh Singh*
The co-accused Dilbagh Singh has received total amount from the complainant as disclosed by him.	*Rs.1,27,00,000/-*
The co-accused Rajbir received total amount from complainant in cash	*Rs.45,00,000/-*

The petitioner/ accused and other co-accused has received an amount of Rs.2,99,00,000/- from the complainant of present case in cash and committed the present crime"

Raising submissions in tandem with the aforesaid reply, learned State counsel has iterated that the petitioner alongwith co-accused has induced the complainant to part with large sums of money on the false pretext of supplying rice and subsequently in the name of facilitating land transactions. Learned State counsel has pointed out that during the course of investigation, it has surfaced that the petitioner has received a significant amount from the complainant. Furthermore, allegations disclose a well-planned *modus operandi* of cheating. Furthermore, one more FIR of similar nature has been registered against the petitioner which *prima facie* shows that the petitioner is a habitual offender and has been involved in similar transactions with other traders. Learned State counsel has emphasized that the custodial interrogation of the petitioner is required to unearth the complete chain of events, to trace the money trail, to identify the role of other associates as also to recover the cheated amount. He has further emphasized that releasing the petitioner on bail at this crucial stage may hamper the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer

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has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. Indubitably, serious allegations have been levelled against the petitioner in the FIR in question. As per the material collected during the course of investigation, the petitioner has been specifically named in the FIR and is stated to have been present when the complainant was called to Mohali and introduced to the other accused persons. Furthermore, the petitioner was involved not only in the initial transaction regarding the supply of rice but also in the later stage relating to the alleged land transactions & in the subsequent acts of intimidation, confinement and extortion. The primary contention of learned counsel for the petitioner is that the dispute is of a civil and commercial in nature arising out of a business transaction. However, at this stage, such a plea cannot be accepted in view of the specific allegations in the FIR and the involvement of the petitioner at important stages cannot be ignored. In the considered opinion of this Court, whether the petitioner actually received money or not and to what extent he has been involved, is a matter that can only be examined during the course of investigation. The exact role of the petitioner and the extent of his involvement are matters which require further investigation.

8. There is yet another feature *nay* seminal aspect of the matter which craves attention of this Court.

8.1. This Court finds it incumbent to address a facet of profound jurisprudential significance concerning applications for anticipatory bail under Section 482 of BNS (erstwhile Section 438 of Cr.P.C., 1973). Anticipatory bail,

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being an extraordinary and discretionary remedy, operates as a constitutional safeguard of personal liberty, primarily designed to shield a law-abiding individual from the ignominy of unwarranted pre-trial arrest. It is a beneficial provision intended to preserve freedom against genuine apprehension of arbitrary restraint, and not to offer sanctuary to those who exhibit a cavalier disregard for the investigative process or the authority of law. While the statutory framework does not prescribe any rigid or inflexible timeline for invoking such extraordinary jurisdiction, an inordinate and unexplained delay in approaching the Court inevitably invites closer judicial scrutiny. Such a hiatus, in the absence of any plausible or cogent explanation, may, in certain circumstances, translate into an implied indication of deliberate evasion of the process of law, bordering upon abscondence. To extend the protective umbrella of anticipatory bail to an accused who, by his own volition, has chosen to delay his submission to the due process of law, would not only defeat the very object of the provision, but may also amount to tacitly condoning a defiant conduct against the legal process. Such unexplained and protracted delay, shrouded in ambiguity, compels this Court to exercise its discretion with greater circumspection, and in appropriate cases, to decline the extraordinary relief of anticipatory bail to an applicant whose conduct reflects a lack of bona fides or a strategic attempt to evade the investigation. The portals of justice, though open to all, cannot be permitted to be used as a refuge by those seeking to manipulate procedural timelines for ulterior motives. As the settled maxim goes, ***jus ex injuria non oritur***—a right cannot arise from a wrong.

8.2 While this Court remains cognizant of exceptional situations, where the implication of an accused may surface belatedly or due to circumstances beyond his control, thereby occasioning a bona fide delay in

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approaching the Court, such instances are exceptions and must be established on record with credible material. However, in cases where an accused-applicant has already availed the remedy before the learned Sessions Court and, upon refusal of relief, approaches this Court after a substantial and unexplained delay, the burden squarely shifts upon the applicant to furnish a clear, cogent and convincing explanation for such delay. In the absence of any such explanation, the conduct of the applicant may disentitle him from the grant of anticipatory bail, as the equitable jurisdiction of this Court cannot be invoked by a litigant who has failed to act with due diligence or bona fide intent.

8.3. The factual milieu of the case in hand reflects that the FIR in question was registered on 18.03.2022, however, the petitioner chose to approach the learned Sessions Court by filing an application for anticipatory bail only in February, 2026, which came to be dismissed vide order dated 06.03.2026. Thereafter, the present petition has been filed before this Court on or about 17.03.2026. No explanation, much less any cogent or convincing explanation, has been furnished by the petitioner to justify this inordinate delay of nearly four years in invoking the remedy of anticipatory bail. Such unexplained and prolonged hiatus prima facie reflects a lack of due diligence and lends credence to the inference that the petitioner had been evading the process of law during the interregnum. Ergo, the present petition is liable to be dismissed on this ground alone, apart from the merits of the case.

9. The stand of the State before this Court is that the custodial interrogation of the petitioner is indispensable for the purpose of tracing the money trail, ascertaining the role of other co-accused persons, and effecting recovery of the alleged cheated amount. It has been submitted that the nature and gravity of the offence, which involves defrauding the complainant of a

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substantial sum of money, necessitate a thorough and effective investigation, which, at this stage, cannot be conducted in the absence of custodial interrogation of the petitioner. Moreover, no exceptional or compelling circumstance has been brought on record by the petitioner which would justify the grant of anticipatory bail in a case of such serious nature. It is well settled that in cases involving economic offences and cheating of substantial amounts, the Court is required to exercise greater caution while considering the grant of anticipatory bail, as such offences have far-reaching consequences and adversely impact public confidence in the financial and commercial system.

10. In view of the gravity of the allegations, the specific role attributed to the petitioner in the FIR and the requirement of custodial interrogation as also the factual matrix of the case in hand essentially lead to the unequivocal conclusion that the petitioner does not deserve the concession of anticipatory bail. It is pertinent to mention here that the relief of anticipatory bail is aimed at ensuring personal liberty of an individual. However, while deciding a plea for grant of anticipatory bail, the Court has to strike a balance between safeguarding individual rights and protecting societal interest. The Court must also consider the gravity of the offence; the role attributed to the petitioner; the impact on the Society and the need for fair and free investigation. The relief must not unduly hamper the rights of the investigating agency to conduct free, fair and impartial investigation. 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 view of the nature

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as also seriousness of the allegations, it may not be possible for the investigating agency to unravel the entire truth if the petitioner is armed with a protective order. Moreover, it is the specific stand of the State that the custodial interrogation is necessary to take the investigation to its logical end and to conclude fair and meaningful investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble 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.*"

11. In view of the prevenient ratiocination, it is ordained thus:

(i) The instant petition is devoid of merits and is hereby <u>dismissed</u>.

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

(iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 07, 2026
Ajay/mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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