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

229 **CRM-M-16374 of 2026**
Date of Decision: 08.04.2026

Pawan Kumar **....Petitioner**

Versus

State of Haryana **....Respondent**

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. B.S. Mamli, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, 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.93 dated 03.03.2026 registered under Sections 120-B and 420 IPC, at Police Station Krishna Gate, Thanesar, District Kurukshetra.

2. Brief facts as per the prosecution case are that the petitioner in connivance with co-accused, cheated the complainant for a sum of Rs.31,90,000/-, on the pretext of sending his son abroad on PR visa.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He argued that the petitioner is neither beneficiary of the alleged fraud, nor has any concern with the said offence. He argued that in fact, an agreement was executed between the complainant and the petitioner wherein it was mentioned that the petitioner will only assist the complainant to send his son abroad. He

further argued that an amount of Rs.16,90,000/- was transferred in the account of the petitioner out of which, he duly transferred Rs.14,22,000/- in the account of B.G. Immigration Patiala, further an amount of Rs.75,000/- was sent back to the complainant and Rs.58,000/- was handed over to son of the complainant and thus, he has transferred Rs.15,55,000/- in total out of Rs.16,90,000/-. He further argued that the petitioner is still ready to pay the remaining outstanding amount of Rs.1,35,000/-. He further submitted that the entire case is based on documentary evidence which are already in possession of the complainant or the investigating agency, hence, nothing is to be recovered from the petitioner. 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, Kurukshetra, vide order dated 13.03.2026.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, she has vehemently 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. She argued that the petitioner is specifically named in the FIR. She further argued that the petitioner in connivance with co-accused, dishonestly induced the complainant to part with huge amount

of money on the false assurance of sending his son abroad. She further argued that the petitioner has allegedly taken Rs.31,90,000/- from the complainant's son for sending him to Canada. She further submitted that Rs.16,90,000/- was transferred in the account of the petitioner's firm namely Pawan Dev Digital World, whereas a sum of Rs.15,00,000/- was given in cash to the petitioner. She further submitted that the petitioner is not only peripheral participant but principal architect of the conspiracy. He along with co-accused orchestrated a well planned conspiracy to cheat the complainant. Moreover, the petitioner has himself executed an 'affidavit of undertaking and refund commitment' dated 4.10.2025 to refund the complete amount of Rs.31,90,000/- as per the terms of the said affidavit. She further submitted that the petitioner is involved in one more case meaning thereby he is a habitual offender. She further submitted that the custodial interrogation of the petitioner is required for a fair and proper investigation in the matter as well as to unearth the modus operandi of accused; and to recover the amount involved in the alleged fraud. Hence, she prays for dismissal of the petition.

6. After hearing learned counsel for the parties and considering the material available on record, this court is of the opinion that the allegations against him are serious in nature and he is specifically named in the FIR with a distinct and active role attributed to him in the alleged fraud. The record prima facie reflects that substantial amounts were received by the petitioner in his bank account, he is the direct beneficiary of the alleged fraud and the State has asserted the necessity of custodial interrogation to unearth the modus operandi of the conspiracy and to effect recovery of the

cheated amount. The events in entirety indicate 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 petitioner, at this stage. Granting anticipatory bail to the petitioner with 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. 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. 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)*
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>> *"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".*
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> ***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.

(RUPINDERJIT CHAHAL)
JUDGE

08.04.2026
D.Bansal

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