2026:PHHC:056870

103

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15923-2026

Haobijam Soraren Singh

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: April 16, 2026
Date of Uploading: April 16, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Shiv Kumar Sharma, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Rishabh Chaudhary, 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') (corresponding to Section 438 of Cr. P.C.) seeking grant of anticipatory bail to the petitioner, in case bearing FIR No.254 dated 03.11.2025, registered for the offences punishable under Sections 420, 406, 467, 468, 506 and 120-B of the Indian Penal Code, 1860 (for short 'IPC') (corresponding Sections 318(4), 316(2), 338, 336(3), 351(2) and 61(2) of the BNS, 2023), at Police Station Civil Lines, District Bhiwani.

2. The gravamen of allegations against the petitioner is that complainant, namely, Deepak Chaudhary stated that during 2015–16, he was engaged in property dealing in Gurugram and Delhi, where he came into contact with Suresh Parshad. Through him, he was introduced to several associates,

including Haobijam Soraren Singh (*petitioner herein*), and they developed close relations. All the accused persons, including Haobijam Soraren Singh (*petitioner herein*), acted in conspiracy to cheat the complainant by luring him into investing money in a purported foreign currency business. They falsely represented that they possessed large amounts of foreign currency and would provide high returns upon exchange. Allegedly, the petitioner was part of this network and actively associated with the other accused in building trust and facilitating the fraudulent scheme. On 05.12.2020, Suresh Parshad and his associates visited the complainant's house and induced him to arrange ₹50,00,000 on the pretext of urgent need, assuring repayment with profit after currency exchange. Believing them, the complainant and his father paid the amount. However, the foreign currency provided in return was found to be deficient and part of a deceptive transaction. Thereafter, under continuous inducement and false assurances by all accused, including Haobijam (*petitioner herein*), the complainant paid further amounts on different occasions. In total, a sum of ₹1,65,00,000 was obtained from him through fraud and misrepresentation. When the complainant demanded his money back, the accused persons avoided repayment on various pretexts and later took him to different places, including Imphal, under false promises of returning the money. However, they neither returned the amount nor honoured their assurances and eventually absconded. The complainant was also threatened with dire consequences. It is alleged that Haobijam Soraren Singh (*petitioner herein*), along with the co-accused, was part of the criminal conspiracy, participated in inducing the complainant, and facilitated the fraudulent transactions, thereby contributing to the misappropriation of ₹1,65,00,000.

3. Learned counsel for the petitioner has iterated that 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 argued that there is no specific allegation in respect of amount in question having been entrusted or received by the petitioner, and not even any specific transactions are stated to have been executed by the petitioner. Learned counsel has argued that alleged electronic material, such as, Call Detail Records, screenshots, flight ticket details and a pen-drive containing certain records are already in possession of the Investigating Agency and nothing incriminating material is to be effected from the petitioner. Learned counsel has submitted that no specific act of inducement, execution of forged document or issuance of any threat has been attributed to the petitioner. Learned counsel has further submitted that disclosure-statement of the co-accused cannot be read against the petitioner and the same are not admissible in law. Learned counsel has argued that the alleged transactions pertain to the year 2022, whereas, the FIR in question has been registered in the year 2025 causing unexplained delay of about 03 years.

3.1. Learned counsel for the petitioner has submitted that during the pendency of the present proceedings, the petitioner was arrested on 23.02.2026 at Imphal by officials of Police Station Civil Lines, Bhiwani, in connection with the present FIR, without issuance of notice under Section 35(3) BNSS (corresponding to Section 41-A of the Cr. P.C.). Learned counsel has further submitted that the petitioner was produced before the learned Chief Judicial Magistrate, Imphal West, Manipur, with a request for transit remand, which was declined, and the petitioner was released on bail vide order dated 24.02.2026. Learned CJM, Imphal West, Manipur had observed that mandatory provisions of law had not been complied with and that the material on record did not *prima facie* justify invocation of Section 467 IPC (corresponding to Section 338 of the BNS).

3.2. Learned counsel for the petitioner has submitted that co-accused of the petitioner, namely, Sanjana Sharma, against whom similar kind of allegations as against the petitioner, have been leveled and she has been granted concession of anticipatory bail by this Court, vide order dated 12.02.2026 passed in **CRM-M-70905-2025**.

3.3. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete but also tainted with bias. Moreover, 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 has referred to reply by way of an affidavit dated 04.04.2026, and while raising submissions in tandem with the said reply, he 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 reply reads thus:

> "*9. That during the investigation, it was found that there was a chat between the complainant and the accused Haobijam Soraren Singh on phone no. 9856091376, in which a demand of Rs.5,00,000/- from the complainant was found and a photo copy of the page was presented in which two bags and a suitcase are visible, in which 500-500 rupee notes are visible in one bag and three pages, in which the Indigo air ticket of the accused namely Haobijam Soraren, for the date 21.09.2024, from Imfhal to Delhi, was found. Online booking has been done and a photo copy of a cheque of account number 923010070455086 of AXIS BANK has been, presented, in which an amount of Rs.70,00,000/- is written and a pen drive has been presented in which the accused Haobijam Sorren Singh and the complainant and the complainant's father Hosiyar Singh are visible, the CDR of accused Haobijam Soraren Singh was taken in which the complainant was found to have come to Deepak's house in Bhiwani, Haryana. In the case, it got to know that, the main accused Suresh and present petitioner-accused Haobijam Soraren Singh are the cousin brother*

> *and friend of the main accused Suresh Prasad and he was involved in the conspiracy to usurp money from the complainant.*
> *10. That on dated 23.02.2026, present petitioner-accused was arrested in the present case from Thanggal Bajar Imphal. After that he was confined in the Jail of police station City Imphal.*
> *11. That on dated 24.02.2026, the accused Haobijam Soraren Singh was produced before the Ld. Court of Imphal and an application was made to the Ld. Court Imphal for five day's transit remand of the accused. That the Ld. Court Imphal by making the accused deposit a bond of Rs. 2,00,000/- and giving him relief of two months, the accused was ordered to come to Bhiwani on the second and fourth Saturdays for two months for the investigation involved in the case and cooperate in the investigation. It is submitted here that as per the order of the Ld. Court of Imphal, the fourth Saturday was on 28.02.2026 and the second Saturday was on 14.03.2026 and the fourth Saturday is on 28.03.2026, on which present petitioner-accused did not visit the Bhiwani and did not join the investigation till now, as per the orders of Ld. Court of Imphal. Hence he is disobeying the orders of Ld. Court of Imphal. A copy of court orders are annexed herewith as Annexure R2.*"

4.1. Learned State counsel has further iterated that the allegations against the petitioner are specific and direct. Given the severity of the offence regarding dishonestly cheating, 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.

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

6. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022,*** relevant whereof reads as under:

> "*74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.*
> *xxx xxx xxx xxx*
> *xxx xxx xxx xxx*
> *75. Observing that the arrest is a part of the investigation intended to secure several purposes, in* ***Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]*** *, it was held as under : (SCC p. 313, para 19)*

MAHAVIR SINGH
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I attest to the accuracy and
authenticity of this order/ judgment

"19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 *of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under* Section 438 *of the Code will amount to interference in the investigation, which cannot, at any rate, be done under* Section 438 *of the Code."*

76. In ***Siddharam Satlingappa Mhetre v. State of Maharashtra [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]****, the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*

77. After referring to Siddharam Satlingappa Mhetre **[Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]*** *and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in* **Jai Prakash Singh v. State of Bihar [Jai Prakash Singh *v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468]*** *, 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. (****See*** **D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu *v. P.T. Manokaran, (2007) 4 SCC 434 :(2007) 2 SCC (Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1] .)"***

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 [Directorate of Enforcement *v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510]****, it was held that in economic offences, the accused is not entitled to anticipatory bail."*

> *15. In* Sushila Agrawal and others v. State (NCT of Delhi) and Another *reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-*
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> > *"92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.*"

7. As per the case of the prosecution and upon perusal of the order dated 21.02.2026 passed by the Court below, whereby, application for grant of anticipatory bail to the petitioner, was declined, it is borne out that the petitioner was actively involved in a well-planned criminal conspiracy to cheat and defraud the complainant of a substantial amount. During investigation, incriminating material has been recovered, including chats reflecting a demand of ₹5,00,000/-, photographs depicting cash-filled bags, travel records establishing his movement, a cheque indicating ₹70,00,000/-, and a pen drive showing his presence with the complainant and co-accused. The Call Detail Records further corroborate his active involvement and connection with the complainant and co-accused persons. It is further borne out that the petitioner is closely associated with the main accused and has played a significant role in executing the fraudulent scheme, thereby establishing his complicity in the offence. The conduct of the petitioner disentitles him from any discretionary relief, as despite being granted interim protection and specific directions by the learned Court at Imphal to join investigation on designated dates, he has willfully disobeyed the said orders and failed to cooperate with the investigation. His non-compliance clearly indicates that he is evading the process of law.

7.1. The plea of the petitioner seeking parity with co-accused Sanjana Sharma, who has been granted anticipatory bail, is wholly misconceived and untenable. The case of the present petitioner stands on a distinct and graver footing, as there exist substantial incriminating material against him, including chats evidencing monetary demand, photographs depicting cash, travel records, a pen drive, and Call Detail Records. These materials *prima facie* establish the active and direct involvement of the petitioner in the commission of the offence.

7.2. 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.

8. 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 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.*"

9. Keeping in view the factual *milieu* of the case in hand and in view of seriousness of the 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**.

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

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

(SUMEET GOEL)
JUDGE

April 16, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No