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CRM-M-16224-2026

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2026.04.07.18.19



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16224-2026
Date of decision: 07.04.2026

AMAN RAJ

....Petitioner

Versus

STATE OF HARYANA & ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Bhanu Chaudhary, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, Sr. 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.287 dated 18.11.2025 registered under Section 24 of the Immigration Act and Sections 143(2), 316(2), 318(4), 351(2) BNS, 2023 at Police Station Siwani, District Bhiwani.

2. Brief facts as per the prosecution case are that the petitioner cheated the complainant to the tune of Rs.1,00,000/- on the pretext of arranging a job in abroad and thereafter sold the petitioner in Myanmar to the persons engaged in fraudulent activities who further demanded 10,000 U.S. Dollars to release him. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the alleged fraud. He further submits that there is not even an iota of



evidence to connect the petitioner with the alleged fraud. He submits that the alleged amount of Rs.25,000/- which the complainant paid to the petitioner is actually the amount paid to one Naveen who is an immigrant agent. He submits that the petitioner never made any promise to the complainant to arrange a job for him in Thailand. He further submits that the petitioner is neither running any immigration office nor he is an agent. Learned counsel for the petitioner further submits 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 Sessions Judge, Bhiwani, vide order dated 13.03.2026.

5. Notice of motion.

6. Learned State counsel who has appeared on advance notice 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. He argued that the petitioner is specifically named in the FIR and he is the main accused. He further submitted that the petitioner is not only peripheral participant but principal architect of the conspiracy. He orchestrated a well planned conspiracy. He submits that there are CDRs between the petitioner and the complainant. He further submitted that the custodial interrogation of the petitioner is required for a



operandi of accused; as well as to recover the amount involved in the alleged fraud and also to identify victims of similar fraud committed by the petitioner. Hence, he prays for dismissal of the petition.

7. I have heard learned counsel for the parties and perused the record with their able assistance. The allegations levelled against the petitioner are serious in nature. The petitioner induced the complainant to send him abroad by making a false promise of a job, however, he deceitfully sold him in Myanmar to the persons engaged in fraudulent activities. The petitioner was further held captive and a ransom of 10,000 US Dollars was demanded to release the petitioner. Moreover, there are CDRs between the petitioner and the complainant. The requirement of custodial interrogation, as asserted by the State, appears to be justified for effective investigation, recovery of the defrauded amount, and to unearth the complete modus operandi. 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.

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 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."

9. 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



"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".



10. 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.

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

07.04.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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