IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(205)

CRM-M-19133-2026 (O & M)
Date of decision: 30.04.2026

Vikas Kumar

…... Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nikhil Vats, Advocate,
for the petitioner.

Ms. Geeta Rani, AAG, Haryana.

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<u>JASJIT SINGH BEDI, J. (Oral)</u>

The prayer in the present petition under Section 482 BNSS is for the grant of anticipatory bail to the petitioner in case FIR No.31 dated 19.02.2026 under Sections 420, 406 IPC (now Sections 318(4) and 316(2) of BNS) and Section 22 of Banning of Unregulated Deposit Schemes Act, 2019 registered at Police Station City Sonipat, Sonipat.

2. The present FIR came to be registered at the instance of Poonam Rani and reads as under:-

To, The D.C.P. Sir, Sonipat. Subject: application regarding no action taken on complaint filed at City Police Station. Respected Sir, With due respect, I submit that 1, Poonam Rani, wife of Late Shri Shrilal, resident of 1882/29, Vikas Nagar, Gali No. 4, Kakroi Road, Tehsil and District Sonipat, am a law-abiding, peace-loving and respectable citizen. On 10.04.2025, I filed a complaint at City Police Station, Sonipat, Complaint No.

229-5D. Satish, resident of Farmana, and Vikas, resident of Jasrana, cheated me of Rs. 20,00,000 (Twenty Lakhs). No action was taken on my complaint. The accused took money from me with the sole intention of cheating. On 16.08.2022, both accused got Rs. 10-10 lakhs transferred into their bank accounts and promised that after 2 years and 6 months, on 16.02.2025, they would return double the amount, i.e., Rs. 40 lakhs. Apart from this, Satish of Farmana got an F.D. of Rs.22,50,000 made on 31 July 2022 in Human Welfare Credit and Thrift Co-operative Society. and told me that it was a government institution. He said that the maturity amount after 7 years and 6 months would be Rs.60 lakhs and that I could withdraw the F.D. at any time and would receive the amount with applicable interest. I have now come to know that this was not a government institution and that through this company they were cheating people. Now I am also unable to get the F.D. amount back. They have cheated me of this money as well. Whenever, I went to City Police Station, the accused were called by the Investigating Officer through phone but they did not appear. Later, notices were sent to them twice, but they still did not appear. I kept visiting the police station repeatedly, but no action was taken. Sir, my husband has passed away and I have two minor children. The lifetime savings of my husband and myself have been taken by these people through cheating. They have cheated many other people as well by luring them with schemes to double their money. They open companies under different names and later say that the company has absconded. I have proof of this. Therefore, I request you to kindly register an FIR against these persons and help recover my money so that I may get justice. Thanking you. Date: 07.11.2025 Sd/-Applicant Poonam Rani W/o Late Shri Shrilal.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, the complainant had invested money in a company, namely, Human Welfare Credit and Thrift Co-operative Society Limited. and the petitioner only acted as an agent in whose bank account the complainant had transferred the money which was immediately transferred by the petitioner on the same day into the account of the Manager of the said company. In fact, he is not a beneficiary in any manner. It is the Director/officials of the same company who have collected a huge amount of money from the public and have absconded. The petitioner himself moved an application with the CM Window regarding the fraud and cheating committed by the Human Welfare Credit and Thrift Co-operative Society Limited which clearly show that the petitioner had no dishonest intention and is himself an aggrieved person. As the petitioner is ready and willing to join the investigation, he be granted the concession of anticipatory bail.

4. The learned State counsel, on the other hand, has filed a reply dated 23.04.2026 which is taken on record. While referring to the said reply, he contends that both Satish and the petitioner received money into their accounts, siphoned off the same into the account of a defunct society and thereby cheated the complainant who is a widow. The offence is *prima facie* established. As the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly necessary.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of ***'Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977',*** has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

> *"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*
>
> *Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*
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> *We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside.* ***In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial***

> ***interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.***"

7. As per the investigation conducted so far, both the accused including the petitioner got transferred Rs.10 lacs each into their accounts and assured the complainant that they would return double the amount. Additionally, co-accused/Satish got an FD of Rs.22,50,000/- made in the name of the Human Welfare Credit and Thrift Co-operative Society Limited claiming it to be a Government organization with the assurance that the maturity amount after 07 years and 06 months would be Rs.60,00,000/-. However, it came to light that there is no Government entity by this name.

8. Quite apparently, the offence is *prima facie* established. The investigation is to be taken to its logical conclusion for which the custodial

interrogation of the petitioner is certainly required in order to ascertain the *modus operandi* adopted by him and others to cheat gullible persons.

9. In view of the above, I find no merit in the present petition and the same stands dismissed.

10. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

11. The pending application(s), if any, shall stand disposed of accordingly.

April 30, 2026 **(JASJIT SINGH BEDI)**
sukhpreet **JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No