

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

CRM-M-19994-2026 (O&M)

Date of decision: 07.05.2026

TILAK RAJ

....Petitioner

Versus

STATE OF HARYANA AND ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. G.S. Khosa, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG Haryana.

.....

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.42 dated 25.03.2026 registered under Sections 61, 318(4), 316(3) of BNS, 2023, at Police Station Bhupani, District Faridabad.

2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused, fraudulently executed an agreement to sell the plot belonging to the complainant and took Rs.5 lakhs as earnest money, which was never received by the complainant. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no connection with the alleged fraud. He submits that the petitioner has been roped in the present case because of the complainant's fall-out with the

primary accused in the FIR who happens to be ex-husband of the

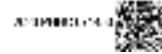
complainant. He argued that the allegations are being made against the petitioner after a delay of about 2 ½ years and that the complainant had wilfully entered into an agreement to sell with the petitioner and it was in fact the complainant who contacted the petitioner. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The entire evidence is documentary, hence, nothing is to be recovered from him. 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, Faridabad, vide order dated 07.04.2026

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, he has 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. He further argued that the petitioner in collusion with other two co-accused fraudulently made the complainant to enter into agreement to sell regarding a plot. In the said agreement, the total value of the plot is mentioned as Rs.7 lakhs whereas its actual value as per the complainant is

the original registry of the plot with himself. He further submits that the agreement to sell executed between the complainant and the petitioner appears to be fake because on the last page of the agreement to sell, there is space left for witness No.1 and witness No.2 and no one has signed on those spaces. He further submitted that the custodial interrogation of the petitioner is required to ascertain the modus operandi adopted by him and the co-accused and to trace the money trail and to recover the cheated amount. Hence, he prays for dismissal of the petition.

6. After hearing learned counsel for the parties and perusing the material available on record, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. The petitioner, in connivance with the co-accused, induced the complainant to execute an agreement to sell in respect of the plot in question by allegedly misrepresenting its value. It has further come on record that while the sale consideration mentioned in the agreement to sell is Rs.7 lakhs, the actual value of the property is stated to be much higher. The allegations also indicate that the petitioner retained the original registry of the property and that the agreement to sell itself appears to be suspicious in nature. The petitioner is specifically named in the FIR and is alleged to have played an active role in fraudulently executing an agreement to sell the plot belonging to the complainant. At this stage, the investigation is still in progress and the custodial interrogation of the petitioner appears necessary to unearth the complete modus operandi, trace the money trail and recover the cheated amount. The material on record at this stage prima facie



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.

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)*

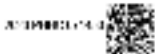
"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty".

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.*

XXX XXX XXX

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.
11. Pending application(s), if any, also stands disposed of.

07.05.2026
puneet

(RUPINDERJIT CHAHAL)
JUDGE

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