



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

203 CRM-M-21166-2026 (O&M).
Date of Decision: 19.05.2026.

GajenderPetitioner.
State of HaryanaRespondent.
VERSUS

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sandeep Singh Jattan, Advocate for the petitioner.
Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.
Ms. Parul Saini, Advocate for
Mr. Deepak Saini, Advocate for the complainant.

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of petitioner	FIR No.	Date	Section(s)	Police Station	District
Gajender	66	26.02.2026	406 and 420 of IPC (section 370 of IPC added later on) (corresponding to sections 316, 318, 143 of BNS, 2023	Naraingarh	Ambala

2. On 20.04.2026, following order was passed:-

- “1. xxx
2. As per the allegations, there are two accused in the present case, namely (i) Gajender (petitioner herein) and (ii) Zorawar Singh @ Gurjant.
- It is alleged that the accused persons cheated the complainant-Devi Chand, of an amount of Rs.20,00,000/- on the pretext of facilitating the travel of his son-Hemant, to the United States of America. Out of the said amount, Rs.9,00,000/- was allegedly paid in cash, while the remaining*

Rs.11,00,000/- was transferred into the accounts of the accused through G-Pay.

3. *Learned counsel for the petitioner contends that petitioner has not committed any offence and has been falsely implicated in the present case. It is submitted that, as of now, complainant's son has already been sent to the United States of America and is well settled there; however, despite this admitted position, present FIR has been lodged against the petitioner.*

It is further submitted that the total settled amount between the parties for sending the complainant's son abroad was approximately Rs.40,00,000/-, and the said arrangement was executed with the assistance of another agent, namely Chetan Sharma @ Harry. An amount of Rs.33,00,000/- was allegedly paid to the said Chetan Sharma @ Harry, who has already joined the investigation.

4. *Learned counsel further submits that there has been material concealment in the FIR, as the complainant's son has already been successfully sent to the United States of America and has been residing there for the past approximately two and a half years. It is contended that FIR has been registered at a belated stage, i.e., after a delay of about two and a half years, with the intent to avoid payment of the remaining amount allegedly due to the petitioner.*

It is also submitted that petitioner is ready and willing to join the investigation and to fully cooperate with the investigating agency, if he is granted protection from arrest by this Court. Thus, counsel prays for grant of concession of anticipatory bail to the petitioner in the present case.

5. *Notice of motion.*

6. *On advance notice, Mr. Amish Sharma, AAG, Haryana, puts in appearance on behalf of the respondent – State, and Mr. Deepak Singh Saini, Advocate, puts an appearance on behalf of the complainant.*

7. *On a specific query put by this Court, neither learned State counsel nor learned counsel for the complainant was able to point out any averment in the FIR, to the effect that complainant's son has been residing in the United States of America for the past two and a half years. Further, no plausible explanation has been furnished as to why FIR came to be lodged after a delay of approximately two and a half years from the date the complainant's son allegedly travelled to the United States of America.*

8. *However, learned counsel for the complainant submits that, during the Panchayat proceedings, petitioner had admitted his liability to repay the amount, and in furtherance thereof, had issued a cheque for a sum of Rs.15,00,000/-, which was subsequently dishonoured.*

9. *Adjourned to 19.05.2026.*

10. *Meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

11. *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses.*

Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court. ”

3. Continuing his submissions, learned counsel for the petitioner contends that in compliance of the order dated 20.04.2026, passed by this Court, petitioner has joined the investigation, and has fully co-operated. Therefore, he prays for confirmation of the said interim anticipatory bail order.

4. Learned State counsel on instructions, confirms the said averment made by counsel for the petitioner of joining the investigation by the petitioner, and submits that as of now, custodial interrogation of the petitioner is not required for the purpose of investigation. He further submits that petitioner has submitted his Passport.

5. Heard learned counsel for the parties.

6. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 20.04.2026, passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

7. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

19.05.2026
jitender

Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No