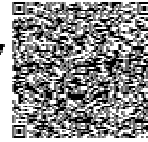


2026:PHHC:065867



114

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23903-2026

Mohit

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: April 29, 2026

Date of Uploading: April 29, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Raman Chawla, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Mr. Vikas Bishnoi, Advocate for the complainant.

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')
for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR
No.0097 dated 17.03.2026, registered for the offences punishable under
Sections 316(2), 318(4), 61 of the BNS, 2023, at Police Station Sadar
Fatehabad, District Fatehabad.

2. The gravamen of the allegations against the petitioner is that the
complainant, namely, Ajay Kumar alleged that Anil Kumar, along with his
co-accused Mohit (*petitioner herein*), Ritu, and Murti Devi, had cheated him.

It was stated that Anil Kumar, who had studied with the complainant at

M.M. College, Fatehabad, informed him that Mohit (*petitioner herein*), his brother-in-law, was engaged in a consultancy firm for sending individuals abroad. Anil Kumar assured the complainant that they would arrange a visa for him to pursue studies in Russia. Acting on this representation, the complainant was introduced to Mohit (*petitioner herein*), and both accused persons agreed to send the complainant to Russia for a total sum of ₹4,20,000/-, which was stated to include one year's university fee and air tickets. The complainant accordingly paid the said amount in various accounts as directed by the accused; however, he later discovered that no fee had been deposited in any university in Russia, thereby revealing that he had been cheated by the accused persons.

3. Learned counsel for the petitioner has iterated that a 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 iterated that the petitioner is neither beneficiary nor has duped the complainant of any amount; the amount received in the bank account of the petitioner has already been transferred into the account of Rahul Hooda. Learned counsel has submitted that, in fact, the complainant had visited Russia and spent many days, but when he failed to get any job then now the complainant is trying to falsely implicate the petitioner and his co-accused on the pretext of duping the complainant.

3.1. Learned counsel asserts that 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 opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has asserted that the petitioner and his co-accused has cheated the complainant to a sum of Rs.4,20,000/- on the pretext of sending complainant abroad for studies. Considering the seriousness of the allegations, custodial interrogation of the petitioner is necessary to unearth the broader conspiracy, identify co-accused and recover the ill-gotten money. Given the severity of the offence, 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. As per the case put forth in the FIR in question, the allegations against the petitioner are grave and specific. A perusal of the material on record shows that there is a *prima facie* case of cheating involving a substantial amount of ₹4,20,000/- against the petitioner and his co-accused. The material *prima facie* indicates that the petitioner, in active connivance with co-accused, induced the complainant on false representations of arranging admission and visa for studies abroad, and thereafter failed to fulfill the promise, with no fee having been deposited in any university. The nature of the allegations reflects a well-planned act of deception and financial fraud.

6.1. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. 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.

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 interests. 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.”

8. In view of the 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**.
9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 29, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No