



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

Sr. No.109

CRM-M-25758-2026
Date of Decision: 07.05.2026

ANIL KUMAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Sanjeev Majra, Advocate and
Mr. Hement Kumar, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in the event of his arrest in Criminal Complaint No.172 dated 30.10.2018 under Sections 406, 420 and 120-B IPC, 1860 (erstwhile Sections 316(2), 318(4) and 61(2) of BNS, 2023), pending before the Court of learned Judicial Magistrate First Class, Gurugram.

2. Briefly stated, the allegations in the complaint are that the complainant intended to go to England (U.K.) and the accused persons, who were known to the complainant and related to her family, represented that they could arrange her visa and travel abroad. It is alleged that the accused persons induced the complainant to pay an amount of Rs.5,00,000/- in different instalments on the assurance of getting her visa processed. The complainant allegedly paid the said amount from time to time to the accused persons. However, later on, the complainant came to know that her visa



application had not been processed in the manner represented by the accused and the same was ultimately rejected. Thereafter, despite repeated demands, the accused persons allegedly failed to return the amount and also extended threats to the complainant, leading to filing of the present criminal complaint under Sections 406, 420, 506 and 120-B IPC.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present complaint arising out of a monetary dispute between the parties, who are related to each other. It is argued that the complainant is an educated lady whose husband is residing abroad and she was well aware of the visa procedure. Counsel further submits that although the main allegations regarding receipt of money are against the other accused persons, yet the petitioner has also been summoned. It is further contended that the petitioner had no knowledge regarding issuance of non-bailable warrants and his absence before the trial Court was neither intentional nor deliberate. Learned counsel submits that the petitioner is ready to join the proceedings and furnish adequate bail bonds/surety bonds to the satisfaction of the trial Court. It is also argued that the petitioner has clean antecedents, is not involved in any other criminal case and custodial interrogation of the petitioner is not required. Learned counsel further submits that the application for anticipatory bail filed by the petitioner before the learned Additional Sessions Judge, Kaithal was wrongly dismissed vide order dated 27.04.2026.

4. Keeping in view the nature of allegations and without expressing any opinion on the merits of the case, this Court is of the considered opinion that no useful purpose would be served by keeping the



present petition pending for issuance of notice of motion to respondent No.2/complainant, particularly when the present matter arises out of a private complaint and the petitioner has approached this Court seeking the concession of anticipatory bail.

5. A perusal of the complaint would show that the main allegations are regarding receipt of money for sending the complainant abroad on visa. Although allegations have been levelled against all the accused persons, yet the role attributed to the present petitioner is not distinguishable to such an extent so as to necessitate custodial interrogation at this stage. The case is admittedly a complaint case and not a police case. The petitioner has submitted that he is ready and willing to appear before the learned trial Court and face the proceedings in accordance with law.

6. This Court also cannot lose sight of the fact that the present matter pertains to a transaction allegedly entered into in the year 2016 and the complaint itself has been instituted thereafter. The petitioner has contended that he had no knowledge regarding issuance of non-bailable warrants and his absence was not intentional. Whether such plea is ultimately correct or not would be a matter of evidence during trial. At this stage, the primary consideration is whether custodial interrogation of the petitioner is required. In the considered opinion of this Court, no such custodial interrogation appears necessary in the facts and circumstances of the present case.

7. Furthermore, the allegations essentially rest upon documentary and oral evidence which shall be examined during the course of trial. The petitioner has also undertaken to appear before the learned trial Court on

each and every date of hearing and to abide by all conditions imposed by this Court. The object of anticipatory bail is to secure the liberty of an accused where custodial interrogation is not warranted and where the presence of the accused can otherwise be secured before the Court.

8. In view of the facts and circumstances of the present case, particularly considering that the present matter arises out of a private complaint, the role attributed to the petitioner, the fact that custodial interrogation of the petitioner is not required, and without commenting upon the merits of the case, the present petition is allowed.

9. In the event of arrest/surrender of the petitioner before the learned trial Court within a period of 15 days from today, he shall be released on anticipatory bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned and subject to the conditions as envisaged under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

11. All pending applications, if any, also stand disposed of.

07.05.2026
Anu

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No