



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

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CRM-M No.27823 of 2026 (O&M)

Date of Decision:18.05.2026

Krishana Dixit**.....Petitioner****Versus****State of Haryana****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Present:** Mr. B.S.Mamli, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the benefit of anticipatory bail, the instant petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023, in a case arising out of the FIR No.262 dated 17.10.2025, under Sections 318(3), 351(2) and 61 of Bharatiya Nyaya Sanhita 2023, Police Station New Colony, District Gurugram.

2. The abovementioned FIR came into being at the instance of 'Vikram', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he had given his vehicle make Fortuner to be a registered travel agent, namely 'Krishna Dixit' (petitioner herein), and the deal was settled for payment of Rs.1.50 lacs, as charges, to the complainant. According to complainant, subsequently the above-named travel agent neither returned the car to the complainant nor paid charges to him, and thus, the complainant was subjected to cheating. As per complainant 'Krishna Dixit'



defaulted in payment of rent, failed to execute proper legal deeds, and continued avoiding the complainant's calls. When the complainant tracked the vehicle via GPS, he discovered that the cars were hypothecated by 'Krishna Dixit' (petitioner herein), 'Harish Khatri' and 'Vikas Soni' to third parties without authorization.

4. It is the case of the prosecution that pursuant to abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

5 **Notice of motion.**

6 Since advance notice has already been served upon the State, Mr. Ramender Singh Chauhan, AAG, Haryana, has appeared on behalf of respondent-State. No formal reply has been filed by the State. However, the learned State counsel has orally opposed the present petition.

7. Heard.

8. It has been contended by learned counsel for the petitioner that petitioner is only a victim of circumstance who has been falsely implicated on the basis of a so called agreement. According to learned counsel for the petitioner neither the vehicle of complainant has been recovered from the possession of petitioner nor he was involved in any kind of illegal activities or transactions, and that he has been implicated in the present case without any reasonable basis. According to learned counsel for the petitioner the co-accused, namely 'Uttam Singh', from whose possession the vehicle of the complainant was recovered has already been accorded the benefit of anticipatory bail, and that the case of the petitioner stands on a better footing than the above named co-accused. In view of above, the learned counsel for



the petitioner has sought for the benefit of anticipatory bail for the petitioner.

9 The learned State counsel has controverted the above mentioned arguments. According to learned State counsel the case of the petitioner stands on altogether different footing than the case of co-accused, as there was no previty of contract between the complainant and the co-accused 'Uttam Singh' who was found in possession of stolen vehicle allegedly supplied to him by the present petitioner. According to learned State counsel since the written agreement for release of vehicle was between the complainant and the petitioner, the petitioner is liable for the cheating, and that in the present case in order to ascertain the role and extent of involvement of the petitioner in the commission of crime his custodial interrogation is necessary.

10. The record has been perused carefully.

11 A perusal of record shows that in the present case the allegations against the petitioner are that he being lessee of the vehicle, was supposed to return the same to the complainant and if breach of contract or any fraud or cheating has taken place, it is attributable to the petitioner only. The capacity of co-accused 'Uttam Singh' from whose possession vehicle was recovered was altogether different, as the prosecution has come forward with a specific plea that in lieu of agreement between complainant and petitioner when vehicle was handed over to petitioner he illegally handed over the possession of the above mentioned vehicle to co-accused 'Uttam Singh'.

12 In view of above, in my opinion this plea of learned State counsel has got force that the case of present petitioner stands on different footing.

13 Taking into consideration the fact that there are very specific and



categorical allegations against the petitioner with regard to playing fraud with the complainant, and that the above mentioned allegations are duly supported with the fact that there was a deal in writing between the complainant and the petitioner, it is hereby held that in the present case in order to fix the role of petitioner in the commission of crime his custodial interrogation is required.

14. By virtue of present petition, the benefit of anticipatory bail has been sought. With regard to anticipatory bail, it is settled law that the Court must be circumspect, while exercising power for grant of anticipatory bail and it should not be granted as a matter of routine. Rather as per law the abovesaid benefit should be granted only when the Court is convinced that exceptional circumstances exist for the extraordinary remedy.

15. With regard to above, the Hon'ble Supreme Court of India in the case of 'Srikant Upadhyay v. State of Bihar', 2024 SCC OnLine SC 282, has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

16. The Hon'ble Supreme Court of India in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.



17. Similarly, in the case of 'Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and another', (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024), the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

18. In the case of 'Gurbaksh Singh Sibbia etc. v. State of Punjab' 1980 SCC (2) 565, the Hon'ble Supreme Court of India held that:-

- (1) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (2) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (3) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

19. It shall not be out of place to mention here that custodial interrogation is a valuable right of the Investigating Agency, and in the present case, if such right is denied to the Investigating Agency, it is likely to result into miscarriage of justice, as the investigation may not take a proper headway



and the Investigating Agency may not be able to collect the requisite evidence.

20. Taking into consideration the gravity of offence, allegedly committed by the petitioner, coupled with the fact that to fix the role played by various persons involved in the commission of abovementioned offence, of fraud and forgery, custodial interrogation of the petitioner is required, it is hereby held that in the present case the petitioner is not entitled for the benefit of pre-arrest bail.

21. Considering the above-discussed facts and circumstances of the present case and the relevant laws, it is observed that no ground exists for invoking the extraordinary jurisdiction to protect the petitioner, by according the benefit of pre-arrest bail. Thus, it is hereby held that the present petition is devoid of merits deserves dismissal. The same is hereby *dismissed*, accordingly.

22. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

23. Since the main petition has been dismissed, pending applications, if any, are rendered infructuous.

(SURYA PARTAP SINGH)
JUDGE

18.05.2026
Manoj Bhutani

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