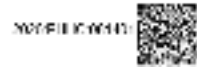


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CRM-M-27792-2026

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27792-2026

Date of decision: 22.05.2026

SUKHPAL

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Shivansh Malik, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG Haryana.

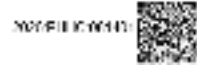
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RUPINDERJIT CHAHAL, J. (ORAL)

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.196 dated 01.10.2024, registered under Sections 419, 420, 467, 468, 471, 120-B of IPC, at Police Station Lakhan Majra, District Rohtak.

2. Brief facts of the present case are that the petitioner got prepared forged death certificate of deceased Satish including false insurance claims were prepared which were used for the purpose of cheating and provided signatures on the loan documents procuring a JCB machine. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and is, in fact, himself a victim of a well-orchestrated fraud committed by the family members of the deceased, Satish. He submits that the wife of the deceased falsely



misled the petitioner into standing as a guarantor for the loan required for the said purchase. He further submits that the petitioner signed the loan documents in good faith, being neighbours, and came to know about the malicious designs of the family of the deceased only when the loan was defaulted. He submits that the petitioner, in order to fulfil his obligations, paid a sum of Rs. 25.5 lakhs out of his own hard-earned money to the bank, which clearly establishes his bona fides and further negates any intention to cheat the bank or cause any wrongful financial loss to it. He submits that the FIR in the present case was registered in the year 2024, whereas the questioned death certificates pertain to the years 2022 and 2023, thereby casting serious doubt on the prosecution story. Learned counsel further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way qua the petitioner. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the learned Additional Sessions Judge, Rohtak vide order dated 06.04.2026.

5. On the other hand, learned State counsel has filed the status report in the matter and, while referring to the same, has opposed the prayer for grant of anticipatory bail by submitting that the allegations levelled against the petitioner are serious in nature. She submits that the petitioner played a crucial role in the commission of the offence, as he forged the death certificate and further used forged documents and



submits that the petitioner signed the loan documents used for purchasing the JCB machine in the name of the deceased while portraying himself as a guarantor, which documents contain his complete particulars. She further submits that the petitioner submitted a forged death certificate, false loan documents, and insurance documents in the name of the deceased in order to raise false insurance claims. She further submits that it is highly improbable that the petitioner was unaware of the death of deceased Satish, as both were neighbours and residing in close proximity to each other. She further submits that it is difficult to believe that a person residing in the immediate neighbourhood would remain unaware of such a serious incident, particularly the death of a neighbour. She further submits that the petitioner actively participated in the offence in connivance with the wife of the deceased in order to claim the insurance money. She further submits that the mobile number mentioned in the insurance policy of the deceased belongs to the present petitioner, which clearly points towards his active participation in the fraud. Thus, learned State counsel prays that the custodial interrogation of the petitioner is required for an effective investigation. Accordingly, learned State counsel prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations against the petitioner are grave and serious in nature. The petitioner not only stood as a guarantor for the loan obtained for purchase of the JCB machine in the name of deceased Satish, but also actively participated in the preparation and use of forged



fabricated insurance claim papers, for the purpose of cheating the bank and obtaining wrongful insurance benefits. The material collected during investigation prima facie indicates the involvement of the petitioner in the commission of the alleged offences. The contention raised by learned counsel for the petitioner that the petitioner is himself is a victim of fraud committed by the family members of the deceased and that he had acted in good faith while signing the loan documents, such pleas involve disputed questions of fact which can be effectively examined only during the course of investigation and trial. Moreover, the mobile number mentioned in the insurance policy is stated to belong to the petitioner, which further connects him with the alleged offence. At this stage, the conduct attributed to the petitioner, particularly his role as guarantor and the allegation regarding submission and use of forged documents for claiming insurance benefits, cannot be ignored. The investigation prima facie indicates direct involvement of the petitioner in the said offence. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine and seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

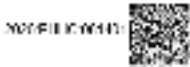


8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the 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."

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 hereby dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

22.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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