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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102-1

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Bhushan Mittal

...Petitioner

V/s

State of Haryana and another

...Respondents

Date of decision: 02.02.2026**Date of Uploading : 02.02.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Achin Gupta, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Rujhan Dhawan, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. 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.271 dated 30.10.2025, registered for the offences punishable under Sections 316(2), 318(4), 336(3), 338, 340, 351(2) and 61 of BNS, 2023, at Police Station Sector 14, Panchkula.

2. As per the prosecution case, the petitioner Bhushan Mittal, in active connivance with his wife Ritika (co-accused) and other associates, induced the complainant and his family members to invest huge amount of money on the pretext of purchase as also investment in multiple residential flats situated at Zirakpur and Peer Muchalla. The allegations reflect a systematic, continuous and well-orchestrated scheme of cheating wherein the petitioner executed and supplied forged agreements to sell, fabricated allotment letters, false possession letters and documents purportedly signed

by the deceased persons thereby dishonestly misappropriating an amount of

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approximately ₹76.80 lakhs. It has been further alleged that the petitioner acted as the main conspirator of the fraud, handled all negotiations, collected money both in cash and through banking channels, impersonated the owners, arranged fake telephonic conversations and issued cheques which were later dishonoured. It has been further alleged that the complainant was also allegedly threatened with dire consequences on demanding the refund amount. On these allegations, the instant FIR came to be registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the dispute, even if taken at its face value, arise out of commercial transactions and alleged breach of contractual obligations for which the complainant has an efficacious civil remedy. According to learned counsel, no ingredients of the offences punishable under Sections 316(2) and 318(4) of BNS are made out as there is no allegation of dishonest or fraudulent inducement at the inception of the transactions. Learned counsel has emphasized that the FIR has been registered without territorial jurisdiction as all the properties in question are situated in Zirakpur and Peer Muchalla, District SAS Nagar (Mohali) and the agreements to sell were also executed there and hence the Panch kula Police lacked the jurisdiction to register and investigate the present FIR. Furthermore, the entire case of the prosecution is based upon documentary evidence which is already in possession of the investigating agency. On the basis of parity, learned counsel has argued that co-accused Ritika, wife of the petitioner, has already been granted the concession of anticipatory by

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counsel asserts that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. Furthermore, no recovery is to be effected from the petitioner, therefore, the custodial interrogation of the petitioner is neither required nor warranted. On strength of 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 allegations against the petitioner disclose a well planned fraud involving multiple transactions, forged documents and misappropriation of a huge amount of money. Learned State counsel has iterated that the petitioner is the main accused and beneficiary of the crime, who actively induced the complainant and his family members to invest in various properties on the basis of false assurance and fabricated documents. Learned State counsel has submitted that the petitioner prepared and used forged agreements to sell, fake allotment and possession letters and documents bearing forged signatures thereby committing serious and cognizable offences. According to learned State counsel, the investigation is at crucial stage and custodial interrogation of the petitioner is necessary to recover forged documents, trace the money trail, identify other conspirators and ascertain the extent of conspiracy. It has further been contended that the grant of anticipatory bail, at this stage, would seriously hamper the ongoing investigation. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. Learned counsel for the complainant has vociferously opposed

the grant of anticipatory bail to the petitioners by raising submission in



tandem with the learned State counsel. He has iterated that the petitioner has played a central role in cheating the complainant, his wife and close relatives by inducing them to part with large sums of money. Furthermore, the present case is not a mere civil dispute arising out of breach of contract but a clear case of fraud and cheating from the very inception. On the strength of these submissions, the dismissal of the instant petition has been prayed for.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. It would be apposite to refer herein to a judgment of the Hon’ble Supreme Court titled as **Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another** passed in **SLP(Crl) No.1125-2022**, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]** , it was held as under : (SCC p. 313, para 19)*

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide



information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to **Siddharam Satlingappa Mhetre** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar** [**Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468**], the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is *prima facie* of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See **D.K. Ganesh Babu v. P.T. Manokaran** [**D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345**], **State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain** [**State of**



Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1].)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain** [**Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510**], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In **Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1**, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

8. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. From the perusal of the FIR and the material available on record, it is evident that the present case has been registered on the complaint of one Ashok Kumar alleging that the petitioner while acting as a property dealer, induced the complainant and his family members to invest substantial amount of money in multiple residential flats situated at Zirakpur and Peer Muchalla on the pretext of purchase and investment. It is alleged that the petitioner



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repeatedly assured the complainant that he had authority from the owners to sell the properties and supplied various agreements to sell, possession letters and other documents which are subsequently found to be forged. In this manner, the complainant and his family members parted with an amount of approximately Rs.76.80 lacs i.e. part of which was paid in cash and part through banking transactions.

9. From a *prima facie* reading of the FIR and the material collected during investigation, it cannot be said that the allegations are confined to mere breach of contract. The averments disclosed specific allegations of deception, preparation and use of forged documents, impersonation and dishonest inducement from the very inception of the transactions. In the considered opinion of this Court, the acts attributed to the petitioner are not isolated or singular in nature but involves execution of various agreements to sell, possession letters, acknowledgement of receipt of the alleged amount in question by the accused and the subsequent failure to deliver the residential flats within the agreed timeline is not in dispute at this stage. The plea that the dispute is purely civil in nature also does not inspire confidence at this stage as the allegations disclose elements of dishonest and fraudulent inducement. The material on record *prima facie* reflects that despite repeated assurances and extension of time sought by the petitioner, the residential flats in questions were not delivered. The nature of allegations, the magnitude of the amount involved and the manner in which the complainant was allegedly induced to part with his money *prima facie* attract the ingredients of serious offences under the BNS. In the considered opinion of this Court, the existence of civil remedies does not, by itself, bar



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and culpable conduct beyond a mere civil dispute. The allegations in the FIR and the material collected during the course of investigation *prima facie* disclose an offence of cheating and criminal conspiracy in which the role of the present petitioner is currently under investigation and as regards the territorial jurisdiction, the same are disputed questions of fact which cannot be conclusively ratiocinated upon at the stage of consideration of plea for anticipatory bail. In the considered opinion of this Court, granting anticipatory bail to the petitioner, at this stage, would hamper the ongoing investigation and impede the recovery of material evidence. The stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is necessary to trace the money trail, recover forged documents and ascertain the role of other co-accused who may be involved in the transaction. At the stage of considering the plea for anticipatory bail, the Court is not to evaluate the evidence but only to see whether *prima facie* allegations disclose a serious offence. In the considered opinion of this Court, granting anticipatory bail at this stage may likely to hamper the ongoing investigation.

9.1. Another fact that needs emphasis is that the plea of parity with co-accused Ritika is also misconceived as the record indicates that she has been granted the concession of interim anticipatory bail by considering the fact that she has comparatively limited role attributed to her as also that she is a household lady. However, in contrast the petitioner is alleged to have played a more active role by collecting money, prepared forged documents and issued dishonoured cheques. Thus, the case of the petitioner stands on a different footing. It is a trite law that the anticipatory bail is an



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where the Court is satisfied that the accused has been falsely implicated and that custodial interrogation is not required. Considering the nature of allegations, possibility of involvement of multiple persons and to uncover the broader conspiracy, if any, behind the occurrence coupled with the role of the petitioner, it is not appropriate to grant anticipatory bail to the petitioner at this nascent stage. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the FIR in question.

10. 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. 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 establish 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 Hon'ble 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 task of disinterring offences would not conduct themselves as offenders.”

11. In view of the gravity of the allegations, the manner in which the complainant was allegedly induced to part with a substantial sum of money and the *prima facie* material available on record as also the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

12. In view of the prevenient ratiocination, it is ordained thus:

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

February 02, 2026
Ajay

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