



CRM-M-73092 of 2025

-1-

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

213

CRM-M-73092 of 2025
Date of Decision: 13.02.2026

Jai Chand

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Balraj Singh Sandhu, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

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.360 dated 09.10.2025 registered under Sections 237, 318(4), 336(2), 337, 338 and 340 of the Bharatiya Nyaya Sanhita, 2023 (Section 61 of the BNS added later on), at Police Station City Mandi Dabwali, District Sirsa.

2. Brief facts as per the prosecution case are that the above FIR was registered against the present petitioner and the co-accused on the complaint of Reader of learned Sub Divisional Judicial Magistrate, Dabwali. As per the FIR, the petitioner in connivance with co-accused, in order to give surety for one Jony, had committed fraud and forgery by impersonating one Iqbal Singh and also prepared fake and fabricated documents. Hence, the present FIR.

**CRM-M-73092 of 2025****-2-**

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the petitioner neither forged any document, nor submitted any document before the Court. He further argued that the petitioner was not present in the Court room on the said date. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Jagjit Singh. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Learned counsel has further submitted 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. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Sirsa, vide order dated 14.11.2025.

5. On the other hand, learned State counsel, while referring to the status report, has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner has been specifically named in the FIR. He further argued that the petitioner was also specifically named in the disclosure statement of co-accused Jagjeet Singh and as per his disclosure statement, the petitioner along with other co-accused conspired to

**CRM-M-73092 of 2025****-3-**

fraudulently secure bail of Jony on the basis of a fake Aadhar Card and the land record of Iqbal Singh and as such, he has actively participated in the crime. He further submits that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature and he is specifically named in the FIR as well as in the disclosure statement of co-accused Jagjeet Singh. He is alleged to have attempted to secure bail of Jony on the basis of a fake Aadhar Card and land record of Iqbal Singh and actively participated in the crime. Furnishing a fake surety is not a minor lapse. It amounts to a deliberate and calculated fraud played upon the Court and is indicative of intention to misuse the judicial process for securing the liberty of accused by playing fraud upon the Court. It is observed that number of cases in which fake sureties are being furnished in bail matters is on rise and this needs to be curbed. 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 the 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.



CRM-M-73092 of 2025

-4-

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

**CRM-M-73092 of 2025****-5-**

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.

13.02.2026*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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