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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101+215

CRM-M-55696-2025 (O&M)

Date of decision: 15.10.2025

Ajay Kumar Sharma

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. I.S. Dhaliwal, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

Mr. Yogesh Aneja, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.129 dated 09.07.2025 registered for offences punishable under Sections 420 of the IPC and Section 61/2 of BNS, 2023 at Police Station City Muktsar, District Sri Muktsar Sahib.

2. The gravamen of the FIR pertains to defrauding the complainant namely Om Parkash Taneja, who alleged that in March 2023, the accused Ajay Kumar Sharma (petitioner herein). The accused-petitioner claimed that he had good connection with one Anil Kumar Jaiswal, who in turn had influence with high officials and ministers in departments like Income Tax and Sales Tax. It has been further alleged that the accused-petitioner had promised the complainant that he could arrange jobs for his two sons. The complainant after consulting his relative namely Hemant Kumar, who also agreed for the job, agreed for the same. Thereafter, the accused-petitioner arranged a call with Anil Kumar Jaiswal and both demanded Rs.60.00 lacs for securing jobs as Income Tax Inspector for the



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children. Thereafter, the complainant paid Rs.5.00 lacs on 10.05.2023, Rs.15.00 lacs on 14.12.2023 at Kali Ghata Restaurant, Uttam Nagar, Delhi and Rs.10.00 lacs on 24.10.2024. The accused assured that the jobs would be secured by December, 2024. On 23.02.2025, the complainant alongwith his sons and relatives met accused-petitioner but received no satisfactory response. Accordingly, the complainant requested for the refund if the jobs could not be secured. After 10 days, the accused-petitioner admitted that he could not provide the jobs and refused to return the money which necessitated the complainant to file a complaint. Initially the complaint led to inquiry and FIR as registered only against Anil Kumar Jasiwal. During the course of investigation, the petitioner was nominated in the present FIR vide DDR No.28 dated 22.08.2025 and offence under Section 61(2) of BNS was upgraded.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the present FIR. Learned counsel has further iterated that the complainant has not produced any evidence to show that any money was ever paid or transferred to the petitioner. According to learned counsel, all the alleged payments were made in cash and not even a single rupee has been credited into the account of the petitioner which shows that the allegations are baseless and concocted. It has been further submitted that the complainant and petitioner are colleagues — the complainant being a Manager in SBI and the petitioner a manager in SBI Life Insurance — the petitioner merely shared the contact number of Anil Kumar Jaswal. Beyond this, the petitioner has no involvement or knowledge of any alleged money transactions between the complainant and Anil Kumar Jaiswal. It has been further iterated that the



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allegations are false, exaggerated and unsupported by evidence. It has been further submitted that the petitioner derived no benefit from any alleged transaction and his only role — facilitating a telephonic introduction with Anil Kumar Jaiswal — does not constitute any offence. The petitioner has been roped in subsequently as an afterthought during the course of investigation. It has been further submitted that the investigation conducted so far is neither fair nor impartial. It has been further argued that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these 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 offence committed by the petitioner is serious in nature. Referring to status report dated 07.10.2025, by way of affidavit of naveen Kumar, PPS, Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib, District Sri Muktsr Sahib, learned State counsel has iterated that the present case discloses a clear offence of forgery and cheating that the role attributed to the petitioner is specific. The relevant para of the said status report reads thus:

“G. Role of Petitioner:

That the name of the petitioner has found mention by complainant as a conspirator in the offence. Present petitioner had allured the complainant to get his sons selected in government sector and introduced him with Anil kumar and deal was struck for a total amount of Rs. 60-00 lakh out of which Rs. 5-00 lakh was received by petitioner. Further payments were paid by complainant as per the instructions of petitioner, which unequivocally proved the culpability of petitioner.



H. Reason of custodial interrogation of Petitioner:

- i) That the present petitioner know about the prime accused Anil Kumar Jaiwal who is still at large.*
- ii) That the defrauded amount has yet to be recovered.*
- iii) That the complainant has produced the call recording of the petitioner talking about the transactions. The complainant claimed that he used to talk with petitioner on his mobile number 99142-10006. The voice samples of petitioner and his mobile phone are required for investigation.*
- iv) That the petitioner appeared before the worthy DSP during inquiry and denied all the allegations, and seems to be clever and cunning person who is not expected to bring out truth before the Investigating officer except during custodial interrogation.*
- v) That the allegations are serious and grave. The complainant has been duped with a huge amount of Rs. 30-00 lakh for illegal purpose of selecting his sons in Government job. In case the petitioner is admitted on bail, it would deprive the prosecution to develop its case. Thus the custodial interrogation of petitioner is essentially required.”*

Learned State counsel has raised submission in tandem with the aforesaid reply. Granting bail at this stage may set a wrong precedent in cases involving forgery. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition.

4.1. Learned counsel for the complainant while raising submission in tandem with the learned State counsel, has iterated that the petitioner was actively involved in the conspiracy. It has been argued that the complainant was induced by the petitioner and co-accused Anil Kumar Jaiswal to pay a total amount of Rs.30.00 lacs on the false promise of securing government jobs for his sons and a relative. On the basis of these submissions, the dismissal of the instant petition is entreated for.



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

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner involving inducement and cheating of a substantial amount on the false pretext of arranging government jobs. The complainant and subsequent inquiry specifically attribute an active role to the petitioner in initiating contact, introducing the co-accused and facilitating monetary transactions. At this stage, the investigation is still in progress. The co-accused Anil Kumar Jaiswal is stated to be absconding and the alleged amount has not been recovered. Furthermore, the investigating agency has also sought to obtain the mobile phone of the petitioner and voice samples for forensic analysis of the recorded conversations. In the considered opinion of this Court, such evidence can be effectively collected only during the custodial interrogation of the petitioner.

7. The plea of the petitioner that the transaction pertained merely to a petrol pump transfer appears, *prima facie*, to be an afterthought, unsupported by any material on record. The magnitude of the alleged fraud and the nature of the evidence sought to be collected justify the need for custodial interrogation of the petitioner. The allegations, if found to be true, reflect a deliberate attempt to mislead and defraud the complainant thereby causing wrongful loss to him. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

8. Moreover, considering the large financial implications and to establish the broader conspiracy, if any, behind the occurrence as also the role of the petitioner, it is not appropriate to grant bail at this nascent stage.



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No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner was instrumental in negotiating the deal for Rs.60.00 lacs and himself received Rs.5.00 lacs from him which caused severe financial and emotional distress to him and his family. The alleged forged sale-deed stands in the favour of the petitioner and his defence of being a victim cannot be adjudicated at this stage.

9. 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.”

10. In view of the gravity of the allegations, the specific role attributed to the petitioner and 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.

11. 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

October 15, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No