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

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CRM-M-55396 of 2025  
Date of Decision: 30.09.2025

Shailendra Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Vivek Goyal, Advocate  
for the petitioner.

Mr. Neeraj Sheoran, Sr. 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.231 dated 27.05.2025 registered under Sections 120-B, 406, 420 of IPC and Section 24 of the Emigration Act, at Police Station Chandimandir, District Panchkula.
2. Brief facts as per the case of the prosecution are that the petitioner along with co-accused cheated the complainant-Ashok Kumar for a sum of Rs.15 lakhs on the pretext of sending his son abroad.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that neither the petitioner was named in the FIR nor has any concern with the said offence. 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. 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. He argued that the petitioner was neither the beneficiary of the said transactions nor he has received any amount in this regard. He further argued that the dispute was between co-accused Neeraj and the complainant and the petitioner has nothing to do with the incident. No recovery is to be effected from the petitioner. 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 his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Panchkula, vide order dated 22.09.2025.

5. Notice of motion.

6. Learned State counsel, who has appeared on advance notice of the petition, has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature as he was actively involved in the crime in question. He argued that it was the petitioner who has received an amount of Rs.9.5 lakhs in his account, from the co-accused Neeraj, who received the same from the complainant. He further argued that it was the petitioner who had sent the offer letter and other documents pertaining to complainant's son for sending



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him abroad to co-accused Neeraj through Whatsapp and thereafter, Neeraj gave printouts of said documents to complainant's son. He further submitted that the custodial interrogation of the petitioner is required to dig the truth. Hence, he prays for dismissal of the petition.

7. Heard.

8. In the present case, even though the petitioner has been named on disclosure statement of co-accused, however his complicity in the alleged offence is forthcoming from the financial transactions and whatsapp messages with co-accused-Neeraj. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

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 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."*

10. 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.

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

**(RUPINDERJIT CHAHAL)**  
**JUDGE**

**30.09.2025**

*D.Bansal*

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