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

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**CRM-M-50856-2025
Decided on:15.09.2025**

Naresh Sharma

...Petitioner

Versus

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

Present: Mr. Kamal Kant, Advocate,
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner in a case FIR No.114 dated 27.02.2025, registered under Sections 120-B, 406, 408, 420 of the IPC, 1860, Section 3 of the HPIDFE Act, 2013 and Sections 21 & 23 of the BUDS Act, 2019, at Police Station Sadar Industrial Sector 29, Panipat, District Panipat.

2. Succinctly, the facts of the case are that the present FIR was registered on the complaint of Sunil Saini, in which it was alleged that he had opened an RD account Policy No.07HD4L86E3E in the Human Welfare Credit and Thrift Cooperative Society Ltd. (for short "the Society"). He deposited all the instalments in time and Naresh Sharma (petitioner herein), being Branch Manager of the branch located in village Siwah issued him a slip for the same. However, said Naresh Sharma was giving him time after time and was not paying the maturity amount of his RD. Thereafter, he came to know that the branches of the Society were closing one by one and various investors, who had deposited their hard earned money in the Society, found themselves to be cheated and the officers/officials of the Society were misleading them. Hence,

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it was prayed that legal action be taken against all the culprits. On registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Panipat, for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 06.08.2025. Hence, aggrieved against the said order, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. It is submitted that the petitioner was only an employee of the Society working as Suvidha Centre Manager in its Siwah branch and he was merely performing his duties under the instructions and the policies framed by the Head Office of the Society and he is neither the beneficiary in any manner nor he has misappropriated any funds. It is contended that the petitioner himself has fallen victim to the fraud perpetrated by the officers and Directors of the Society. It is submitted that the petitioner was only the Suvidha Centre Manager and the decision making authority vests in the senior officers and Directors of the Society. He further submitted that the whole case hinges upon the documentary evidence and bank and money transaction records and no case for custodial interrogation is made out. Thus, there being no *prima facie* case made out against the petitioner, he deserves to be granted concession of anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State and has opposed the bail application while submitting that the Society got a large number of investors to invest in its beneficial schemes like FD, RD and other saving schemes by alluring them with financial benefits. The Society through the petitioner and

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his accomplices used to allure the innocent persons with higher interest rates. It is submitted that during investigation conducted so far, it has come to the forth that though the Society was not registered for working in the State of Haryana but huge amount running into crores of rupees has been found to be defrauded by the petitioner and his associates. He submitted that the case is under investigation and the defrauded amount is yet to be recovered and, thus, custodial interrogation of the petitioner is very much necessary to unearth the mystery behind the entire scam and hence, the present petition, being devoid of merit, deserve to be dismissed.

6. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the complainant and other similarly situated victims had invested their hard earned money in the Society on the assurance given to them of the safety of their money and the guaranteed returns with handsome profits, however, the same was not paid to them. It has come to the forth during investigation conducted so far that the petitioner, being Suvidha Centre Manager of the Siwah branch, along with their accomplices, used to allure people from surrounding areas and enticed various investors to deposit their money in the said Society in lieu of the lucrative returns and higher rate of interests. The alleged scam runs into crores of rupees and complicity of the petitioner has been *prima facie* established. Thus, keeping in view the gravity and seriousness of the offences, the contentions raised by the learned counsel for the petitioner cannot be appreciated at this stage where he has approached this Court for the grant of concession of anticipatory bail. However, the same could be appreciated at the relevant stage.

7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

“482. Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he*

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may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including*

(i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*

(ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*

(iii) *a condition that the person shall not leave India without the previous permission of the Court;*

(iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

8. Hon'ble Supreme Court in State represented by **CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under Section 438 if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he 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

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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.”

9. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the present petition, being devoid of any merit, is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

September 15, 2025
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(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: NO/YES
Whether Reportable: NO/YES