



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

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**CRM-39304-2025 in/&
CRM-M-44111-2025 (O&M)**

Date of decision: 29.09.2025

Anis Khan and others

...Petitioners

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. S.K. Tripathi, Advocate for the petitioners.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Rajesh Lamba, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

CRM-39304-2025

Present application has been filed under Section 528 of BNSS, 2023 seeking permission to file the full and final agreement dated 22.08.2024 in compliance of order dated 22.09.2025 passed by this Court.

For the reasons stated in application, same is allowed as prayed for, subject to all just exceptions. Registry to take the necessary steps accordingly.

CRM-M-44111-2025

1. Present petition has been filed on behalf of the petitioners seeking grant of anticipatory/pre-arrest bail under Sections 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.0422 dated 26.07.2025 registered for offences punishable under Sections 318(4)/351(2)/61(2) of BNS at Police Station Suraj Kund, District Faridabad.



2. The gravamen of the FIR in question pertains to cheating the complainant namely Sultan Alam, son of Mohammad Ibrahim, resident of House No.B-331, Village Badkhal, Tehsil Badkhal, District Faridabad, who alleged that accused Babuddin (petitioner No.3 herein) and his sons namely Anees Khan and Zafar (misspelled) (petitioner Nos.1 and 2 herein) cheated the complainant in the name of selling a plot and fraudulently took Rs.10,50,000/- from him. The complainant further alleged that on 15.08.2024, he was introduced to the aforesaid accused (petitioners herein) by their relative and they showed him documents of land measuring 02 Kanals 14 marlas situated at Mauza Badkhal. The aforesaid accused assured the complainant that the land could be registered in his name. On 22.08.2024, a written agreement for a 07 marlas (i.e. 210.75 sq. yards) plot for a total price of Rs.16,94,000/- was executed. The complainant paid Rs.9,00,000/- (Rs.7,00,000/- by cheque and Rs.2,00,000/- in cash) to petitioner No.1 Anis Khan in the presence of the witnesses. A written agreement and receipt were prepared and signed in Sector 12, Faridabad. As per the agreement, the balance amount was to be paid at the time of registration. But when the complainant repeatedly asked the aforesaid accused to complete the sale-deed, they avoided him by giving excuses. Later on, the complainant came to know that the land in question is a disputed land and already had the Court cases pending. When the complainant confronted the accused, they abused him, openly admitted that they took the money to cheat the complainant, refused to return the amount and threatened to kill him if he pursued the matter further. On 28.03.2025, the complainant made a complaint to DCP, NIT Faridabad. Thereafter, in



the presence of a community elder namely Haji Sethi, the aforesaid accused demanded an additional sum of Rs.1,50,000/- to arrange the documents of the land. On 26.04.2025, the complainant paid the said amount but since then the accused were not answering the phone calls of the complainant and have again refused to give either the land or his money. It was further alleged that the aforesaid accused (petitioners herein) are habitual offenders with other criminal cases (including under Section 307 IPC) already pending against them. The complainant further alleged that he faces serious threats to his life and his family members. Based on these set of allegations, the instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioners has iterated that the petitioners are innocent and have been falsely implicated into the present case due to village rivalry and personal enmity. Learned counsel has further iterated that the dispute between the complainant and petitioner No.1 arises purely out of a civil agreement to sell dated 22.08.2024 under which the complainant paid only Rs.9,00,000/- as part payment. Later on, the agreement was cancelled in October 2024 and the earnest money was duly refunded to the complainant. However, instead of returning the security cheque, the complainant misused it, presented it in the bank and filed a complainant under Section 138 of Negotiable Instruments Act. According to learned counsel, the FIR itself is inconsistent and contradictory. There is no allegation of fraudulent intent at the inception of the agreement which is essential to constitute an offence under Section 406 or 420 of IPC. It has been further iterated that the Police has tried to give a criminal colour to what is essentially a civil dispute and thereby subjecting the petitioner to



unwarranted harassment. It has been further argued that the names of the petitioners have been falsely roped into the instant case without any supporting evidence or proper investigation. It has been further argued that there is no need for custodial interrogation of the petitioners, as nothing incriminating remains to be recovered from them. Moreover, there is no likelihood of the petitioners absconding from the process of justice in case they are enlarged on pre-arrest bail. On the strength of aforesaid submission, the grant of instant petition is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioners by arguing that the allegations made against the petitioners are serious in nature as they fraudulently took Rs.10,50,000/- from the complainant on the pretext of selling a plot. According to learned State counsel, the petitioners never executed the sale-deed and later threatened the complainant to kill. Learned State counsel has further submitted that the complainant has produced the agreement to sell dated 22.08.2024, supporting receipts and witness signatures which *prima facie* establish the offence of cheating, fraud and criminal intimidation. Learned State counsel has further submitted that the petitioners are habitual offenders as other criminal cases are already pending against them. Considering the nature of allegations, the custodial interrogation of the petitioners is necessary to recover the cheated amount, verify the chain of transactions and unearth the possible larger fraud against other victims. He has further emphasized that releasing the petitioners on bail at this crucial stage may hamper 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 in order to facilitate effective investigation into the alleged offence.

5. Learned counsel for the complainant has vociferously opposed the instant petition by arguing that the petitioners induced the complainant fraudulently by showing the land already under litigation and took Rs.10,50,000/- from him on the pretext of sale. According to learned counsel, despite the repeated requests, the petitioners neither executed the sale-deed nor returned the money. Instead, they abused, refused and threatened to kill the complainant. Learned counsel has further submitted that granting anticipatory bail at this stage would seriously prejudice the investigation and embolden the accused. Thus, the dismissal of the instant petition is 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. In State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039], the 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.

*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. Indubitably, serious allegations have been levelled against the petitioners in the FIR. The allegations in the FIR *ibid* reflects that the complainant was induced to part with a substantial amount of Rs.10,50,000/- under the pretest of purchase of plot. It is further alleged that the land was already under litigation which fact was suppressed at the time of agreement. In the considered opinion of this Court, this concealment indicates the fraudulent intent at the very inception. This fact, coupled with other circumstances detailed in the investigation, points towards the active complicity of the petitioners in the alleged offence and to defraud the complainant. The stand of the State before this Court is that the custodial interrogation of the petitioner is indispensable for the purpose of effectively recovering the siphoned amount. The nature and gravity of the offence, involving defrauding the complainant, necessitate a thorough investigation, which, at this stage, cannot be conducted without the petitioners being in custody. Moreover, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a



serious offence. The petitioners, in a calculated and fraudulent manner, induced the complainant from the inception despite knowing that the land was already under litigation. Such conduct demonstrates a deliberate intention to deceive and defraud the complainant and gross breach of trust as also suppression of material facts.

9. The plea of the petitioners of cancellation of the agreement and refund is not borne out from the evidence which has come on record. Furthermore, the subsequent demand and receipt of Rs.1,50,000/- on 26.04.2025 further establish continuing inducement and fraudulent conduct of the petitioners. The argument that the dispute is purely civil in nature cannot be accepted at this stage as where the dishonest intention exists at the very inception, the matter amounts to cheating and cannot be termed civil. The nature and gravity of the offence, the role attributed to the petitioners as also the factual matrix of the *lis* essentially lead to the unequivocal conclusion that the petitioners do not deserve the concession of anticipatory bail.

10. It is pertinent to mention here that the relief of anticipatory bail is aimed at ensuring personal liberty of an individual. However, while deciding a plea for grant of anticipatory bail, the Court has to strike a balance between safeguarding individual rights and protecting societal interest. The Court must also consider the gravity of the offence; the role attributed to the petitioners; the impact on the Society and the need for fair and free investigation. The relief must not unduly hamper the rights of the investigating agency to conduct free, fair and impartial investigation. At this stage, there is no material on record to hold that prima facie case is not made



out against the petitioners. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioners, 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

11. In view of the nature as also seriousness of allegations, it may not be possible for the investigating agency to unravel the entire truth if the petitioners are armed with a protective order. Moreover, it is the specific stand of the State that the custodial interrogation is necessary to take the investigation to its logical end and to conclude fair and meaningful investigation.

12. In view of the above, the instant petition deserves to be dismissed. Ordered accordingly.



13. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
14. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 29, 2025
Ajay

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