



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

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**CRM-M No.16835 of 2025
Date of decision: 08.04.2025**

JITENDER BHATI.... **Petitioner**

Versus

STATE OF HARYANA.... **Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Yash Dev Kaushik, Advocate for the petitioner.

Mr. Vipul Sherwal, A.A.G., Haryana.

MANISHA BATRA, J. (oral)

1. The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-'BNSS') by the petitioner for grant of anticipatory bail in case arising out of FIR No.114 dated 09.03.2020 registered under Sections 406, 420, 467, 468, 471 and 120-B of IPC and Sections 3(2), 4(1) and 5 of Haryana Protection of Interest of Depositors in Financially Established Act, 2013 and Sections 4 & 5 of the Promotion or Conduct of Prize chit and Money Circulation Act, 1978, at Police Station Civil Lines, Bhiwani, District Bhiwani.

2. The aforementioned FIR has been registered on the basis of a complaint lodged by the complainant-Vinod Kumar alleging therein that a Non-Government Organization (NGO) in the name of Nav Adarsh Mahila Samiti was operating from Bhiwani though it was registered in Delhi. The operators/members of this society in connivance with a society named as Gramin Khadya Ration Yojna Trust, Faridabad had been representing to the public persons that they would appoint persons for the purpose of public



distribution of ration under the scheme of the Government and get their salaries paid. It was alleged that by doing so, the members of the above-named society had been extracting huge amounts of money from the public persons and they were also showing their affiliation with the ruling Government party. The names of 5 persons who were involved in the aforementioned act were taken as Sandeep Sain, Viney Poswal, Sanju Nagar, Mohit Nagar and **Rajesh Bhati @ Jitender Bhati** and prayer was made for taking action. After registration of the FIR, investigation proceedings were initiated. Statements of witnesses were recorded. Accused-Sandeep Sain was arrested on 23.07.2021. He suffered disclosure statement admitting his involvement in the crime and also about complicity of co-accused Punit Nagar, **Santraj** Nagar and Anil Kumar. He also disclosed that supervisors in different districts had been appointed by them on payment of salary. They used to collect money from the public persons and then closed their offices. The accused Anil Kumar was arrested on 12.08.2021 and accused Punit Nagar was arrested on 08.11.2021. Accused Sant Raj Nagar was arrested on 19.09.2022. After completion of investigation qua them, challan/supplementary challan was presented against them. It was revealed that the present petitioner who is a member of **Rural Food Ration Scheme Trust** had actively participated in the crime by hatching a plan with the co-accused Sandeep Sain and cheated public persons and grabbed money from them. The petitioner was as such nominated as an accused. Apprehending his arrest, he moved an application for grant of pre-arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Bhiwani vide order dated 12.03.2025.



3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was running a society namely, M/s Gramin Ration Yojna Trust but this society or its member have not committed any offence. His society has simply supplied food items worth Rs.64,63,457/- to M/s Nav Adarsh Mahila Samiti run by co-accused Sandeep Sain and it is his society that has been cheated by accused Sandeep Sain. The only role played by him was to provide ration to M/s Nav Adarsh Mahila Samiti and the distribution thereof was responsibility of co-accused Sandeep Sain who has deposited an amount of Rs.38 lakhs only after receiving supplies of ration worth Rs.64,63,457/-. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Co-accused Sant Pal has also been extended benefit of pre-arrest bail. Therefore, it is urged that petition deserves to be allowed.

4. Status report filed on behalf of respondent-State is taken on record.

5. It is argued by learned State counsel that there are serious and specific allegations against the petitioner. His complicity in the subject offences has been established *prima facie* for conducting thorough investigation in the matter, his custodial interrogation is must. No exceptional or extra ordinary circumstances has been made out for allowing the petition. Accordingly, it is urged that the petition deserves to be allowed.

6. Rival contentions have been heard.

7. The petitioner in collusion with the co-accused is alleged to have hatched a conspiracy and to have cheated not only the Government of Haryana by supplying huge quantity of ration to the society of co-accused Sandeep Sain



but also inducing public persons to be a part of the schemes run by the Government for supplying of ration and extracting money from them. For conducting proper and thorough investigation in the matter by the Police and to elicit the truth, custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.



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8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on merits of the case.

08.04.2025

Jyoti-IV

(MANISHA BATRA)

JUDGE

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