

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31215-2025
Reserved on: 08.09.2025
Pronounced on: 30.09.2025

Anvar Husain ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kshitij Goel, Advocate
for the petitioner.

Mr. Birender Bikram Attray, Additional A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
57	21.05.2021	Alewa, District Jind	420 IPC (Sections 406 IPC and 66-D of IT Act added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 24 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the brief facts of this case are that a case Fir no. 57 dated 21.05.2021 under section 420 IPC was registered at P.S Alewa, District Jind on the complaint of Monu Sharma inter-alia on the allegations that the complainant has bank account in Axis Bank Bearing No. 915010017246756. That on dated 20.05.2021, at about 10:00 am, he received a call from mobile number 919582309849 on his mobile number 8607048982 regarding delivery of one parcel containing two watches, one laptop, one phone, two gold chains and \$50,000 and asked him to deposit Rs. 1,10,000/- in bank account bearing No. 920010073609461 of Axis Bank, IFSC code UTIB0003557 and PAN card No. EQYPS4390K, new branch Delhi in the name of Atul Singh, pursuant to which he paid Rs. 25,000/online and remaining Rs. 85,000/- through his bank account in the said account of Atul Singh. Again at about 03.00 pm he received a call for transferring Rs. 50,000/- as tax after which he would receive the said parcel, however, he said that he would confirm the same from Delhi

Airport and then he would transfer the said tax amount. That on dated 20.05.2021 went to bank and inquired about the bank account of Atul where he got the information that fraud had been committed against him. Prayer was made for taking legal action against the accused.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. Prior to the filing of the present bail petition, the petitioner had filed a similar petition before this Court, which was registered as CRM-M-13776 of 2025. Vide order dated 21st April 2025, this Court had dismissed the said bail petition. However another co-accused Sharik Hussain had also filed an anticipatory bail application, which was registered as CRM-M-13615-2025 and vide order dated 22nd April 2025, this Court had granted bail to him because there was no direct involvement, however, he was money mule and petitioner is the main accused.

8. After that, the present petitioner had challenged the dismissal of his anticipatory bail by this Court by filing a special leave petition before the Hon'ble Supreme Court of India. Vide order dated May 27, 2025, the counsel for the petitioner informed the Hon'ble Supreme Court about the bail granted by this Court to the co-accused and also sought bail on the grounds of parity, to which the Hon'ble Supreme Court permitted the petitioner to withdraw the SLP and gave liberty to file a second bail petition. Exercising such liberty, the petitioner has again come up before this Court, as such petition is maintainable.

9. The petitioner seeks bail on the grounds of parity with the accused, namely Sharik Hussain, to whom this Court had granted bail on 22nd April 2025 in CRM-M-13615 of 2025. However, the reasons for granting bail to Sharik Hussain were that he was money mule whose account and ATM were used by petitioner, whereas there is direct evidence connecting the petitioner to the crime. As such, the petitioner is not entitled to bail on parity.

10. However, the petitioners' bail was rejected on 22nd of April 2025, and at that time, the Status Report, which was considered, was filed before this Court on 3rd of April 2025.

Now, after filing the second bail application with the permission of the Hon'ble Supreme Court, a fresh reply has been filed by the Superintendent of Police, which is dated 30th of July 2025, and mentions the investigation conducted. After the filing of the first status report in the previous bail application, the new fact, which has emerged after the dismissal of the first bail application, is mentioned in paragraphs 15 and 16 of the reply dated 30th of July 2025 filed by the Superintendent of Police Jind, which reads as follows:

“15. That the further investigation of this case was transferred to Insp Neelam, Inchage, District Investigation Cell, Jind. During the course of investigation, on the directions of this Hon'ble Court accused-petitioner Anvar Hussain had joined in the investigation of this present case on dated 17.07.2025, but he did not cooperate with the investigating agency. That the accused-petitioner had also filed a notarized affidavit regarding his and his wife's assets.

16. That regarding role/complicity of the petitioner is concerned, it is submitted that the allegations against the petitioner-accused are serious in nature. The petitioner is not by named accused in this case and his name has been appeared from the disclosure statement of co-accused Atul. The allegations levelled against the petitioner-accused are that the petitioner-accused along with co-accused cheated the complainant by inducing him to transfer Rs.1,10,000/- in the Bank account of Atul on the pretext of delivery of a parcel. Custodial interrogation of petitioner-accused is necessary to unearth the true facts in the present matter as well as to effect the recovery of alleged cash amount, pass book, ATM card and information about co-accused and other cases in which they are involved. Therefore, considering the role played by the petitioner-accused and the nature and gravity of offences allegedly committed by the petitioner-accused, he is not entitled for grant of anticipatory bail. Without custodial interrogation of the petitioner-accused, the investigation cannot be conducted effectively. That as far as the antecedents of the Petitioner-accused is concerned, it is submitted that as per records available with police, besides the above mentioned case, no other case has been registered against him.”

11. Although it has been mentioned in paragraph no. 15 that the petitioner did not cooperate, the fact remains that he has declared all his assets. Now, the investigator has access to the petitioners' assets. They can certainly take steps to recover the proceeds of crime, which, in the investigation, have been found to have been taken by petitioner Anvar Husain. Given the above, this Court is not inclined to accept the prayer of the State as mentioned in the paragraph no. 17 of the new reply states that custodial interrogation is required.

12. Given the above, although the Hon'ble Supreme Court had permitted the petitioner to file a second anticipatory bail application on the grounds of parity with the co-accused, but in the opinion of this Court, the petitioner is not entitled to bail on the grounds of parity because the co-accused was arraigned on a disclosure statement and there was

direct evidence against the petitioner, but in the interregnum, the petitioner voluntarily declared all his assets and those of his spouse as mentioned in the order dated 3rd of July, 2025, and this fact is clearly accepted in paragraph no. 15 of the latest reply and consequently, this Court does not deem it appropriate to send the petitioner for custodial interrogation. Furthermore, the FIR is of the year 2021, and given that the investigator now has access to all the details of the petitioners' assets, steps can be taken to recover the proceeds of the crime siphoned off by the petitioner and for this reason, this Court is not inclined to deny bail with the clarification that if the investigator finds it appropriate that the petitioner is not cooperating or is concealing the assets, or is creating obstructions in the investigation, then it shall be permissible for the investigator, in an oblique state, to file an application for cancellation of this bail and on this ground alone, the bail shall be cancelled.

13. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

14. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

15. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

16. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

17. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

18. This order is subject to the petitioner's complying with the following terms.

19. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

20. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

21. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

22. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this

bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

23. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

24. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

25. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.