



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

126 CRM-M-53578-2024
Date of decision: 25th October, 2024

Manpreet Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. A.S. Rehal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
26	13.02.2024	City Rupnagar, Punjab	406 and 420 of IPC, 1860

2. As per the prosecution case, the complainant lodged a complaint alleging therein that accused Rahul was floating a company under the name of Advance Co-operative Societies Ltd. at Ropar (for short ‘Society’). This society was engaged in the business of advancing loans for business by collecting money on daily basis from several shopkeepers by



opening accounts in their names and depositing that money in their accounts. One Gagan used to work for accused Rahul and collected money on daily basis from the shopkeepers in the vicinity. Accused Rahul also induced the complainant to deposit money in his company on daily basis by opening an account. Three more persons namely Taranjit Singh, Suraj Kumar and Hardeep Singh were also induced in the same manner and they opened daily pass books account with Rahul and started depositing money. As Rahul did not return their money, despite a period of six months having been passed, the petitioner and others started demanding their money but accused Rahul started avoiding the matter on one pretext or the other. Apprehending that the accused Rahul usurped their hard earned money, the complainant prayed for taking action in the matter.

3. On the complaint filed by complainant, initially inquiry proceedings was conducted. The complainant recorded a supplementary statement disclosing that the petitioner along with co-accused Rahul had induced him to open an account in the society and initially for about two months, he had been given by way of cash on daily basis to the petitioner and then to his brother-in-law i.e. co-accused Rahul Basra. He also disclosed that a total sum of Rs. 2,55,500/- had been deposited by him out of which cash amount of Rs. 1,01,000/- had not been returned. In the similar manner, money of his other companions had not been returned. On the basis of his statement, the present petitioner was also nominated as an accused. Investigation proceedings have been initiated. The accused Rahul stands arrested and is in custody. Apprehending his arrest, the petitioner had moved



an application for grant of anticipatory bail which was dismissed by learned Sessions Judge, Rupnagar vide order dated 09.10.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He jointly with co-accused Rahul Basra started running the business of the society after registration thereof, on 15.11.2017 but after 10.05.2021, it is the co-accused Rahul Basra, who had been running the business of the society. All the business affairs of the society were being looked after by the co-accused and not by the petitioners. He had not done any transaction in the society business after 10.05.2024 and neither any money was taken by him from anyone. He is ready to join the investigation. His custodial interrogation is no more required. No recovery is to be effected from him. He will abide by all the terms and conditions imposed by this Court. The co-accused has sworn an affidavit in his favour that it is he who would be responsible for all the transactions, liabilities, debts or profits of the societies after 10.05.2021 and the petitioner would be having no liability. Therefore, it is urged that the petitioner deserves to be extended benefit of pre-arrest bail.

4. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by him that there are serious and specific allegations against the petitioner. Admittedly, he along with the co-accused Rahul Basra had been running the business of society. He received hard earned money of the complainant and other victims by inducing them and alluring them on the pretext that they would be fetching huge profits.



Huge amount of money is alleged to have been usurped by him thereby causing wrongful loss to the complainant. Custodial interrogation of the petitioner is must. Therefore, it is urged that he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner who was admittedly running a business in society with the co-accused Rahul is alleged to have induced innocent public persons including the complainant, to part with different amounts of money on daily basis by assuring huge profits. It is claimed by him that he was not running the society w.e.f. 10.05.2021. However, no material has been placed on record by him to show that his name was ordered to be struck off from the business of the society by Registrar of Society or any other competent Government authority. The co-accused Rahul Basra is none other than his brother-in-law. No relevance can be given to the contents of the affidavit which has allegedly been sworn by co-accused in favour of the petitioner rather it clearly appears that the same has been sworn to save the present petitioner. There are specific allegations against the petitioner. Huge amount of money is still to be recovered. For eliciting the truth as to the manner in which the petitioner had cheated the innocent victims including the complainant and for conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. The case is still at its nascent stage. It is well settled proposition of law that custodial interrogation



of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order. 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. In the present case, no exceptional circumstance warranting exercise of the powers for grant of anticipatory bail by this Court is existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

25th October, 2024

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |